

YESSICA K. VALLEJO
 FARAH JEAN FRANCOIS V. VICTORY AUTO GROUP LLC

November 30, 2022

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<p style="text-align: right;">Page 1</p> <p>1</p> <p>2 UNITED STATES DISTRICT COURT</p> <p>3 SOUTHERN DISTRICT OF NEW YORK</p> <p>4 -----X</p> <p>5 FARAH JEAN FRANCOIS,</p> <p>6 Plaintiff,</p> <p>7 -against- Case No. 1:22-c-4447-JSR</p> <p>8 VICTORY AUTO GROUP LLC d/b/a VICTORY</p> <p>9 MITSUBISHI, SPARTAN AUTO GROUP LLC d/b/a</p> <p>10 VICTORY MITSUBISHI, STAVROS ORSARIS, YESSICA</p> <p>11 VALLEJO, DAVID PEREZ, DIANE ARGYROPOULOS, and</p> <p>12 PHILIP ARGYROPOULOS,</p> <p>13 Defendants.</p> <p>14 -----</p> <p>15 VIDEOTELECONFERENCED DEPOSITION OF:</p> <p>16 YESSICA K. VALLEJO</p> <p>17 New York, New York</p> <p>18 Wednesday, November 30, 2022</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Reported by:</p> <p>24 Aydil M. Torres, CSR</p> <p>25 JOB NO. J8894063</p>	<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 LAW OFFICES OF AHMAD KESHAVARZ</p> <p>5 Attorneys for Plaintiff</p> <p>6 16 Court Street, #2600 Brooklyn</p> <p>7 New York, New York 11241</p> <p>8 BY: EMMA CATERINE, ESQ.</p> <p>9</p> <p>10</p> <p>11</p> <p>12 NICHOLAS GOODMAN & ASSOCIATES, PLLC</p> <p>13 Attorneys for Defendants</p> <p>14 333 Park Avenue South, Suite 3A</p> <p>15 New York, New York 10010</p> <p>16 BY: H. NICHOLAS GOODMAN, ESQ.</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19 Patrick Selvey, Esq.</p> <p>20 Ahmad Keshavarz, Esq.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 November 30, 2022</p> <p>6 11:08 a.m.</p> <p>7</p> <p>8</p> <p>9 VTC deposition of</p> <p>10 YESSICA K. VALLEJO, held at the</p> <p>11 offices of Nicholas Goodman &</p> <p>12 Associates, PLLC, 333 Park Avenue</p> <p>13 South, New York, New York, pursuant</p> <p>14 to Notice, before Aydil M. Torres,</p> <p>15 a Notary Public of the State of</p> <p>16 New York.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 S T I P U L A T I O N S</p> <p>3</p> <p>4 IT IS HEREBY STIPULATED AND AGREED</p> <p>5 by and between the attorneys for the</p> <p>6 respective parties herein, that filing,</p> <p>7 sealing and certification and the</p> <p>8 same are hereby waived and that the</p> <p>9 questioning attorney shall provide counsel</p> <p>10 for the witness examined herein with a copy</p> <p>11 of this examination at no charge.</p> <p>12</p> <p>13 IT IS FURTHER STIPULATED AND AGREED</p> <p>14 that all objections, except as to the</p> <p>15 form of the question shall be reserved</p> <p>16 to the time of the trial.</p> <p>17</p> <p>18 IT IS FURTHER STIPULATED AND AGREED</p> <p>19 that the within deposition may be signed</p> <p>20 and sworn to before any officer authorized</p> <p>21 to administer an oath, with the same force</p> <p>22 and effect as if signed and sworn to before</p> <p>23 the Court.</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 5</p> <p>1</p> <p>2 THE REPORTER: My name is</p> <p>3 Aydil M. Torres a New York State</p> <p>4 notary public and certified</p> <p>5 shorthand reporter. This</p> <p>6 deposition is being held via</p> <p>7 videoconferencing equipment. The</p> <p>8 witness and reporter are not in the</p> <p>9 same room. The witness will be</p> <p>10 sworn in remotely pursuant to</p> <p>11 agreement of all parties. The</p> <p>12 parties stipulate that the</p> <p>13 testimony is being given as if the</p> <p>14 witness was sworn in person.</p> <p>15 YESSICA K. VALLEJO,</p> <p>16 called as a witness, having been</p> <p>17 duly sworn by a Notary Public, was</p> <p>18 examined and testified as follows:</p> <p>19 THE REPORTER: Please state</p> <p>20 your name for the record.</p> <p>21 THE WITNESS: My name is</p> <p>22 Yessica K. Vallejo Diaz.</p> <p>23 THE REPORTER: Please state</p> <p>24 your address for the record.</p> <p>25 MR. GOODMAN: Business</p>	<p style="text-align: right;">Page 7</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Have you ever testified in an</p> <p>3 administrative hearing before?</p> <p>4 A. No.</p> <p>5 Q. If you don't understand my</p> <p>6 question, will you please ask me to rephrase</p> <p>7 the question?</p> <p>8 A. For sure.</p> <p>9 Q. And if I ask you a question and you</p> <p>10 don't ask me to rephrase the question, is it</p> <p>11 reasonable to assume that you understood the</p> <p>12 question?</p> <p>13 MR. GOODMAN: Object to the</p> <p>14 form of the question. Go ahead.</p> <p>15 A. Yeah, I mean, if I don't understand</p> <p>16 your question, I will ask you to repeat the</p> <p>17 question. So that's fine.</p> <p>18 Q. Sure. So if at any point during</p> <p>19 this deposition, if you are not finished with</p> <p>20 your answer and I start to ask you another</p> <p>21 question, please feel free to cut me off, so</p> <p>22 I can hear your complete answer. I want to</p> <p>23 hear your complete answer.</p> <p>24 Do you understand?</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 6</p> <p>1 address.</p> <p>2 THE WITNESS: 4070 Boston</p> <p>3 Road. That's Bronx, New York</p> <p>4 10475, I believe. I am really bad</p> <p>5 with ZIP. 10475.</p> <p>6</p> <p>7 EXAMINATION BY</p> <p>8 MS. CATHERINE:</p> <p>9 Q. Good morning, Ms. Vallejo.</p> <p>10 A. Good morning.</p> <p>11 Q. Have you ever gone by any other</p> <p>12 names or aliases?</p> <p>13 A. No, my name, Yessica K. Vallejo</p> <p>14 Diaz.</p> <p>15 Q. Are you married?</p> <p>16 A. No, I am not. I am divorced.</p> <p>17 Q. Okay. And did you have a different</p> <p>18 name while you were married?</p> <p>19 A. No, same name.</p> <p>20 Q. Okay. Have you ever had your</p> <p>21 deposition taken before?</p> <p>22 A. No.</p> <p>23 Q. Have you ever testified in a court</p> <p>24 proceeding before?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 8</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. And when you testify today, please</p> <p>3 don't guess at anything. I just want to know</p> <p>4 what's within your knowledge, specifically.</p> <p>5 Do you understand that?</p> <p>6 A. Yes.</p> <p>7 Q. And during the course of the</p> <p>8 deposition, your attorney may be making</p> <p>9 certain objections, such as objection to</p> <p>10 form. Unless instructed not to answer, you</p> <p>11 are still required to answer the question.</p> <p>12 Do you understand?</p> <p>13 A. Yes.</p> <p>14 Q. And if you could please answer, as</p> <p>15 you have been answering, with oral answers</p> <p>16 and not nodding or saying "uh-huh," so that</p> <p>17 the court reporter has a clear record.</p> <p>18 Do you understand?</p> <p>19 A. Yes.</p> <p>20 Q. What steps did you take -- excuse</p> <p>21 me?</p> <p>22 MR. GOODMAN: Emma, if I</p> <p>23 could just -- one other suggestion</p> <p>24 for the rules of a deposition.</p> <p>25 It's very important to let her --</p>

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<p style="text-align: right;">Page 9</p> <p>1 Yessica K. Vallejo</p> <p>2 let Emma finish asking the question</p> <p>3 first. The court reporter cannot</p> <p>4 take down two people at the same</p> <p>5 time, okay? So you have to let her</p> <p>6 finish, and then I may object. So</p> <p>7 you have to pay attention to the</p> <p>8 pace of it because the court</p> <p>9 reporter can only take one person</p> <p>10 at a time. Sorry, Emma, go ahead.</p> <p>11 MS. CATERINE: No, that's</p> <p>12 fine.</p> <p>13 Q. As your attorney just said, when</p> <p>14 we're talking in normal day-to-day life, it's</p> <p>15 natural for us to interject and talk over</p> <p>16 each other. But for this, we want to try to</p> <p>17 make the job of the court reporter as easy as</p> <p>18 possible. So just, you know, take a second.</p> <p>19 You know, it can even be helpful, you know,</p> <p>20 to count a couple of seconds in your head,</p> <p>21 before you answer the question.</p> <p>22 Do you understand?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. How old are you?</p> <p>25 A. I am thirty-seven years old.</p>	<p style="text-align: right;">Page 11</p> <p>1 Yessica K. Vallejo</p> <p>2 A. I do.</p> <p>3 Q. And other than Mr. Orsaris, who</p> <p>4 else did you speak with, in preparation for</p> <p>5 your deposition today?</p> <p>6 A. I mean, I had a meeting with my</p> <p>7 lawyer -- with the lawyers, and that's it.</p> <p>8 Q. Okay. And when did you speak with</p> <p>9 Mr. Orsaris?</p> <p>10 A. About this particular situation?</p> <p>11 Q. Yes.</p> <p>12 A. I mean, we spoke about it a couple</p> <p>13 of times.</p> <p>14 Q. Sure. Let's --</p> <p>15 A. I don't recall, exactly, the date</p> <p>16 and time, but he told me, maybe, two weeks --</p> <p>17 I mean, a week ago, that I had to come in</p> <p>18 today.</p> <p>19 Q. I see. And what documents have you</p> <p>20 reviewed, in preparation for this deposition?</p> <p>21 A. I took a look at the deal jacket</p> <p>22 again, so I can refresh my memory about the</p> <p>23 sale. Pretty much, that's it.</p> <p>24 Q. What is your understanding of --</p> <p>25 about what this lawsuit is about?</p>
<p style="text-align: right;">Page 10</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. And where do you currently reside</p> <p>3 at?</p> <p>4 MR. GOODMAN: You don't have</p> <p>5 to give a street address. If you</p> <p>6 want to state the borough, that's</p> <p>7 okay.</p> <p>8 A. Okay, I live in New Medford,</p> <p>9 Connecticut.</p> <p>10 Q. What steps did you take in</p> <p>11 preparation for your deposition today?</p> <p>12 A. I mean, none. I came over here,</p> <p>13 they told me that it was a couple of</p> <p>14 questions that I have to answer. That's all.</p> <p>15 Q. Okay. And when you say, "they,"</p> <p>16 you are referring to your attorneys?</p> <p>17 A. I am referring to my supervisor,</p> <p>18 Stavros Orsaris.</p> <p>19 Q. I am sure Mr. Goodman has told you</p> <p>20 this already, but I am not going to be asking</p> <p>21 about anything you talked about with your</p> <p>22 attorneys, because that information is</p> <p>23 privileged. I just want to know about the</p> <p>24 general steps you took to prepare for today's</p> <p>25 deposition. Do you understand?</p>	<p style="text-align: right;">Page 12</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Object to the</p> <p>3 form; you can answer.</p> <p>4 A. Well, they explained to me that the</p> <p>5 customer -- what the customer is saying,</p> <p>6 basically. That it's a situation. She says</p> <p>7 that she never purchased a vehicle, that she</p> <p>8 never went to the dealership and, I mean, so</p> <p>9 on and so forth. That's the reason why we</p> <p>10 here today, to find out what really happened</p> <p>11 on that particular sale.</p> <p>12 Q. Okay. Prior to this lawsuit, have</p> <p>13 you reviewed the documents in the deal</p> <p>14 jacket?</p> <p>15 A. I didn't review the documents. I</p> <p>16 took a look of the documents to see if I can</p> <p>17 get a better understanding of what's going</p> <p>18 on. Remember, this happened over two years</p> <p>19 ago, so...</p> <p>20 Q. Sure. So you don't have -- do you</p> <p>21 have any memory of what happened on those</p> <p>22 days, other than from your review of the</p> <p>23 documents?</p> <p>24 A. Not -- not really, per se, for this</p> <p>25 sale.</p>

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<p style="text-align: right;">Page 13</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Okay. And in addition to the</p> <p>3 documents in the deal jacket, did you review</p> <p>4 anything on your computer in the office?</p> <p>5 A. No.</p> <p>6 Q. Have you searched for any</p> <p>7 documents, in relation to this lawsuit?</p> <p>8 A. No.</p> <p>9 Q. You're a finance manager at Victory</p> <p>10 Mitsubishi; is that correct?</p> <p>11 A. Correct.</p> <p>12 Q. And as a finance manager, you have</p> <p>13 access to certain documents and information</p> <p>14 at Victory Mitsubishi that other employees do</p> <p>15 not have access to, correct?</p> <p>16 A. Explain yourself.</p> <p>17 Q. Sure. In your job as a finance</p> <p>18 manager, you're required to access certain</p> <p>19 documents and information about consumers</p> <p>20 that, for example, the sales associates would</p> <p>21 not have access to; is that correct?</p> <p>22 A. When you say, "certain documents,"</p> <p>23 what kind of documents that are you</p> <p>24 specifically talking about?</p> <p>25 Q. Well, are there any documents that</p>	<p style="text-align: right;">Page 15</p> <p>1 Yessica K. Vallejo</p> <p>2 Y-E-S-S-I-C-A, @VictoryMitsubishi.com.</p> <p>3 Q. Do you know if anyone else has</p> <p>4 searched your work e-mail?</p> <p>5 A. No.</p> <p>6 Q. Do you use any other e-mails in the</p> <p>7 course of your work at Victory Mitsubishi?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Do you use any messaging</p> <p>10 application at your work, at Victory</p> <p>11 Mitsubishi, like WhatsApp or Signal?</p> <p>12 A. No.</p> <p>13 Q. Have you searched your telephone</p> <p>14 records or bills for calls or text messages</p> <p>15 related to this lawsuit?</p> <p>16 A. No.</p> <p>17 Q. Do you ever use your personal</p> <p>18 phone, in relation to your work at Victory</p> <p>19 Mitsubishi?</p> <p>20 A. Sometimes.</p> <p>21 Q. What do you use it for?</p> <p>22 A. To call customers.</p> <p>23 Q. Did you graduate from high school?</p> <p>24 A. Yes, I did.</p> <p>25 Q. Where did you go to high school?</p>
<p style="text-align: right;">Page 14</p> <p>1 Yessica K. Vallejo</p> <p>2 you would have access to, that sales</p> <p>3 associates would not have access to?</p> <p>4 A. I mean, it could be any documents.</p> <p>5 But, I mean, on the process of selling a</p> <p>6 vehicle, it's plenty of documents. That's</p> <p>7 why I am trying to understand what kind of</p> <p>8 document are you specifically asking me</p> <p>9 about.</p> <p>10 Q. Sure. So in the -- let me ask you</p> <p>11 this way: The sales and financing of a</p> <p>12 vehicle, would you have access to documents</p> <p>13 that wouldn't be in the deal jacket?</p> <p>14 A. No. Everything that is in the deal</p> <p>15 jacket, is what we need in the process of</p> <p>16 selling a car. It's nothing extra that I</p> <p>17 would have access to. For example, any other</p> <p>18 manager would have access to. I don't have</p> <p>19 privilege access to any information at my</p> <p>20 job.</p> <p>21 Q. Okay. Have you searched your work</p> <p>22 e-mail for this lawsuit?</p> <p>23 A. No.</p> <p>24 Q. What is your work e-mail?</p> <p>25 A. It's Yessica, my first name,</p>	<p style="text-align: right;">Page 16</p> <p>1 Yessica K. Vallejo</p> <p>2 A. I went to high school in Dominican</p> <p>3 Republic, which is the -- my country.</p> <p>4 Q. I guessed from your name.</p> <p>5 A. Good guess.</p> <p>6 Q. And when did you graduate from high</p> <p>7 school?</p> <p>8 A. That was long time ago.</p> <p>9 Q. It's harder and harder to remember;</p> <p>10 isn't it?</p> <p>11 A. It's very hard to remember. Oh, my</p> <p>12 God. I was seventeen. So that was, like,</p> <p>13 fifteen years -- I mean, almost twenty years</p> <p>14 ago. That was twenty years. Maybe 2000.</p> <p>15 Q. Okay.</p> <p>16 A. 2000 -- I mean, I'm sorry.</p> <p>17 Q. That sounds about right from my</p> <p>18 internal math. And what did you do after you</p> <p>19 graduated from high school?</p> <p>20 A. I went to college. I got my</p> <p>21 bachelor's degree on business administration.</p> <p>22 Q. Where did you get that degree?</p> <p>23 A. On University of Santo Domingo.</p> <p>24 Q. When did you graduate from there?</p> <p>25 A. I graduate from college, I believe,</p>

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<p style="text-align: right;">Page 17</p> <p>1 Yessica K. Vallejo</p> <p>2 in 2009, if I am not mistaken.</p> <p>3 Q. Okay.</p> <p>4 A. Because I came to this country in</p> <p>5 2010. So that's about right, yes, 2009.</p> <p>6 Q. I see. And when you graduated from</p> <p>7 college, did you have any other education?</p> <p>8 A. After, no. I went to school for</p> <p>9 language to study English a little bit. I</p> <p>10 did that for maybe five, six months, yeah.</p> <p>11 Q. And what did you do for employment,</p> <p>12 after graduating from college?</p> <p>13 A. I was working for the United</p> <p>14 Nations.</p> <p>15 MR. GOODMAN: Let her</p> <p>16 finish.</p> <p>17 THE WITNESS: Oh, sorry.</p> <p>18 MR. GOODMAN: Go ahead.</p> <p>19 A. I was working for United Nations in</p> <p>20 Santo Domingo.</p> <p>21 Q. What were you doing for the United</p> <p>22 Nations?</p> <p>23 A. Clerical job. Clerical work.</p> <p>24 Q. And what was your employment, after</p> <p>25 that job at the United Nations?</p>	<p style="text-align: right;">Page 19</p> <p>1 Yessica K. Vallejo</p> <p>2 there?</p> <p>3 A. 2011, I believe.</p> <p>4 Q. Okay. How long did you work there?</p> <p>5 A. I work there for maybe, probably,</p> <p>6 three years. If I recall correctly, around</p> <p>7 three years, yes.</p> <p>8 Q. Okay, so you stopped working there</p> <p>9 around 2014?</p> <p>10 A. Yeah, I -- yeah, I don't have the</p> <p>11 exact days, but could be around there.</p> <p>12 Q. Okay. And why did you stop working</p> <p>13 there?</p> <p>14 A. Because I got a job offer that was</p> <p>15 paying more money, so I switched companies.</p> <p>16 Q. Sure. Where was that job offer?</p> <p>17 A. That was in Hyundai of New</p> <p>18 Rochelle.</p> <p>19 Q. Okay. And what did you do at</p> <p>20 Hyundai of New Rochelle?</p> <p>21 A. Accounts payables.</p> <p>22 Q. And how long were you working at</p> <p>23 Hyundai of New Rochelle?</p> <p>24 A. About two years, give or take, I</p> <p>25 believe.</p>
<p style="text-align: right;">Page 18</p> <p>1 Yessica K. Vallejo</p> <p>2 A. After that job, I came to the</p> <p>3 United States. So I got married, I had my</p> <p>4 son. So I didn't work for a little bit.</p> <p>5 Q. Okay. And when did you start</p> <p>6 working again?</p> <p>7 A. After my son was one, I start</p> <p>8 working in City World Toyota. That was my</p> <p>9 first dealership that I work at.</p> <p>10 Q. Sorry, were you finished?</p> <p>11 A. No, I am done. Yeah, I was done.</p> <p>12 Q. When did you start?</p> <p>13 MR. GOODMAN: Sorry, for the</p> <p>14 record, what was the name of the</p> <p>15 dealership?</p> <p>16 THE WITNESS: City World</p> <p>17 Toyota.</p> <p>18 MR. GOODMAN: "City World"?</p> <p>19 THE WITNESS: Uh-huh.</p> <p>20 MR. GOODMAN: Okay.</p> <p>21 Q. When did you start at City World</p> <p>22 Toyota?</p> <p>23 A. I was doing filing. I was the file</p> <p>24 clerk.</p> <p>25 Q. Sure. When did you start working</p>	<p style="text-align: right;">Page 20</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. And what were your main</p> <p>3 responsibilities working in accounts payable</p> <p>4 at Hyundai of New Rochelle?</p> <p>5 A. We were doing accounts payables,</p> <p>6 paying the invoices, I was packaging deals to</p> <p>7 send to the bank, pulling out the DMV</p> <p>8 paperwork for the lady that register of cars.</p> <p>9 It was, pretty much, office work. So you do</p> <p>10 a little bit of everything, you know.</p> <p>11 Q. Were you handling consumers credit</p> <p>12 reports in this job?</p> <p>13 A. No.</p> <p>14 Q. And when did you stop working at</p> <p>15 Hyundai of New Rochelle; what year?</p> <p>16 A. I don't really recall the years and</p> <p>17 months and all that. I mean, that's, like,</p> <p>18 over seven years ago, I guess.</p> <p>19 Q. Around, like, 2016/2017?</p> <p>20 A. I was there, I think, until 2016,</p> <p>21 give or take. Then, I got another job offer</p> <p>22 on -- for Mazda of New Rochelle, and I worked</p> <p>23 there for a couple of months, and then I</p> <p>24 found this job that I have right now. I have</p> <p>25 been here for, I believe, six, seven years</p>

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<p style="text-align: right;">Page 21</p> <p>1 Yessica K. Vallejo</p> <p>2 now.</p> <p>3 Q. Okay. And, sorry, what was the --</p> <p>4 what was the name of the company that you</p> <p>5 worked at for a few months?</p> <p>6 A. Mazda of New Rochelle.</p> <p>7 Q. Mazda, okay. What did you do</p> <p>8 there?</p> <p>9 A. That was finance assistant.</p> <p>10 Q. And in that position, were you</p> <p>11 handling consumers credit reports?</p> <p>12 A. No.</p> <p>13 Q. And so what year did you start</p> <p>14 working at Victory Mitsubishi?</p> <p>15 A. I believe it was the end of 2016.</p> <p>16 Q. Okay. And were you working at the</p> <p>17 4070 Boston Road location?</p> <p>18 A. Yes.</p> <p>19 Q. And what was your title when you</p> <p>20 started at Victory Mitsubishi?</p> <p>21 A. Finance assistant.</p> <p>22 Q. Okay. I have heard a title called</p> <p>23 "funder," is that the same thing as</p> <p>24 "financial assistant"?</p> <p>25 A. Yes, correct.</p>	<p style="text-align: right;">Page 23</p> <p>1 Yessica K. Vallejo</p> <p>2 assuming they did because that's what</p> <p>3 everybody does.</p> <p>4 Q. So if I understand, just to</p> <p>5 clarify, you're saying you are assuming that</p> <p>6 they did a background check, but you don't</p> <p>7 know; is that correct?</p> <p>8 A. Yes. I mean, that's something they</p> <p>9 probably -- you should ask my supervisor</p> <p>10 because I don't know, to be honest with you.</p> <p>11 Q. Sure. And you're referring to</p> <p>12 Stavros Orsaris?</p> <p>13 A. Correct.</p> <p>14 Q. And were you required to provide</p> <p>15 references for prior employers?</p> <p>16 A. I did, yes, and I gave plenty.</p> <p>17 They have it on record.</p> <p>18 Q. Okay. And do you know if those</p> <p>19 prior employers were contacted?</p> <p>20 A. I don't know. That's something you</p> <p>21 should ask my supervisor.</p> <p>22 Q. Were you interviewed for this</p> <p>23 position?</p> <p>24 A. Twice.</p> <p>25 Q. And who interviewed you?</p>
<p style="text-align: right;">Page 22</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Okay. And what were your main</p> <p>3 responsibilities as a financial assistant?</p> <p>4 A. Sending all the paperwork to the</p> <p>5 bank to make sure the deal gets finalized, we</p> <p>6 get paid from the bank, and then send in the</p> <p>7 folder to the billing department to make sure</p> <p>8 the car gets registered and the lien gets</p> <p>9 perfected.</p> <p>10 Q. Were you handling consumers credit</p> <p>11 reports when you were working in this</p> <p>12 position?</p> <p>13 A. No.</p> <p>14 Q. And how did you apply for this</p> <p>15 position?</p> <p>16 A. Indeed.</p> <p>17 Q. And you're referring to the website</p> <p>18 Indeed.com, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Was there a background check in the</p> <p>21 job hiring process?</p> <p>22 MR. GOODMAN: Object to the</p> <p>23 form; go ahead.</p> <p>24 A. They never told me they did any</p> <p>25 background check of me, but, I mean, I am</p>	<p style="text-align: right;">Page 24</p> <p>1 Yessica K. Vallejo</p> <p>2 A. Stavros Orsaris.</p> <p>3 Q. How long were you a financial</p> <p>4 assistant?</p> <p>5 A. Well, if I told you that I did it</p> <p>6 in Mazda New Rochelle about six months, and</p> <p>7 before, that I was in Hyundai of New Rochelle</p> <p>8 for, like, two years, before I got to</p> <p>9 Victory. It was around two years and six</p> <p>10 months, give or take.</p> <p>11 Q. Sorry, I should have been more</p> <p>12 specific with my question. How long were you</p> <p>13 a finance assistant in Victory Mitsubishi?</p> <p>14 A. A year.</p> <p>15 Q. A year. And what was your title,</p> <p>16 after financial assistant?</p> <p>17 A. Finance manager.</p> <p>18 Q. And that's still your title today,</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. So if I am doing the math here in</p> <p>22 my head here correctly, you have been a</p> <p>23 finance manager since 2018; is that right?</p> <p>24 A. That is correct.</p> <p>25 Q. Okay.</p>

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<p style="text-align: right;">Page 25</p> <p>1 Yessica K. Vallejo</p> <p>2 A. Give or take, because we don't have</p> <p>3 exact dates in timing here, so...</p> <p>4 Q. Yeah, sure. You ever worked with</p> <p>5 someone named Chris Orsaris?</p> <p>6 MR. GOODMAN: Objection to</p> <p>7 form; go ahead.</p> <p>8 A. Work directly, you mean?</p> <p>9 Q. Well, let's just start with worked</p> <p>10 in any way.</p> <p>11 MR. GOODMAN: Object to the</p> <p>12 form.</p> <p>13 A. Yes.</p> <p>14 Q. And what does Chris Orsaris do?</p> <p>15 MR. GOODMAN: Object to the</p> <p>16 form; time frame.</p> <p>17 A. Chris Orsaris is Stavros' dad. I</p> <p>18 believe what he does, he buy cars, but I do</p> <p>19 not work directly with Chris Orsaris.</p> <p>20 Q. Okay. How often do you see</p> <p>21 Mr. Orsaris at the Victory Mitsubishi</p> <p>22 dealership?</p> <p>23 MR. GOODMAN: Object to the</p> <p>24 form. Do you mean Chris Orsaris?</p> <p>25 MS. CATHERINE: Yes, excuse</p>	<p style="text-align: right;">Page 27</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Okay. And the investigation and</p> <p>3 lawsuit by the New York Attorney General</p> <p>4 happened while you were working as a</p> <p>5 financial assistant; is that correct?</p> <p>6 A. I have no knowledge of that.</p> <p>7 Q. When you say you "have no</p> <p>8 knowledge" of it, do you mean this is the</p> <p>9 first time you ever heard of it, or you just</p> <p>10 don't know anything specific about this</p> <p>11 investigation and lawsuit?</p> <p>12 MR. GOODMAN: Object to the</p> <p>13 form; go ahead.</p> <p>14 A. You talking about this case,</p> <p>15 specific, or you talking about any other</p> <p>16 case?</p> <p>17 MR. GOODMAN: No, she's</p> <p>18 talking -- sorry.</p> <p>19 MS. CATHERINE: No, it's all</p> <p>20 right, I got it.</p> <p>21 Q. So let me rephrase the question.</p> <p>22 Are you aware of any investigation</p> <p>23 or lawsuit by the New York Attorney General</p> <p>24 regarding sales at the dealership?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 26</p> <p>1 Yessica K. Vallejo</p> <p>2 me.</p> <p>3 Q. Chris Orsaris.</p> <p>4 A. Maybe once a month.</p> <p>5 Q. Okay. Would that have been the</p> <p>6 case in September of 2020?</p> <p>7 A. I don't understand your question.</p> <p>8 Q. Sure. Let me rephrase the</p> <p>9 question.</p> <p>10 Has he ever been in the dealership</p> <p>11 more often, or less than often, since you</p> <p>12 have worked there, or has it, pretty much,</p> <p>13 always been once a month?</p> <p>14 A. Well, the dealership is a big</p> <p>15 facility. I work in the sales department.</p> <p>16 So I can't tell you for the times that I see</p> <p>17 him, per se.</p> <p>18 Q. Sure. That's all I am asking.</p> <p>19 A. If it's in premises, if it's around</p> <p>20 -- I mean, can't tell you because, you know,</p> <p>21 I am working sales. So in the sales</p> <p>22 department, the showroom, per se, I see him,</p> <p>23 maybe, once a month, twice a month. But he</p> <p>24 is not involved on the daily activities, on a</p> <p>25 daily process of selling cars, per se.</p>	<p style="text-align: right;">Page 28</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Do you know of anyone who's been</p> <p>3 fired at the dealership?</p> <p>4 MR. GOODMAN: Object to the</p> <p>5 form.</p> <p>6 A. Yeah, people get fired sometimes.</p> <p>7 Q. And do you recall the reasons for</p> <p>8 those people being fired?</p> <p>9 A. No.</p> <p>10 MR. GOODMAN: Object to the</p> <p>11 form. You have to let me --</p> <p>12 THE WITNESS: Sorry.</p> <p>13 A. No, I mean --</p> <p>14 MR. GOODMAN: Just "no."</p> <p>15 THE WITNESS: No.</p> <p>16 Q. Have you ever been arrested?</p> <p>17 A. No.</p> <p>18 MR. GOODMAN: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: It's okay.</p> <p>21 Q. Has anyone ever made a complaint</p> <p>22 against Victory Mitsubishi that they were</p> <p>23 defrauded by Victory Mitsubishi?</p> <p>24 MR. GOODMAN: Object to the</p> <p>25 form.</p>

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<p style="text-align: right;">Page 29</p> <p>1 Yessica K. Vallejo</p> <p>2 A. I don't know.</p> <p>3 Q. Has any consumer ever alleged that</p> <p>4 Victory Mitsubishi deceived them or treated</p> <p>5 them unfairly in the sales or financing of a</p> <p>6 vehicle?</p> <p>7 MR. GOODMAN: Object to the</p> <p>8 form.</p> <p>9 A. I don't know.</p> <p>10 Q. Has any consumer ever complained to</p> <p>11 you directly about the sales or financing of</p> <p>12 a vehicle at Victory Mitsubishi?</p> <p>13 A. No, I don't handle complaints,</p> <p>14 Stavros does.</p> <p>15 Q. Have there been any complaints by</p> <p>16 any government entity that Victory Mitsubishi</p> <p>17 defrauded or deceived consumers in the sales</p> <p>18 or financing of vehicles?</p> <p>19 MR. GOODMAN: Object to</p> <p>20 form.</p> <p>21 A. I don't know.</p> <p>22 Q. And you became a finance manager</p> <p>23 around 2018, correct?</p> <p>24 A. That is correct, give or take,</p> <p>25 because once again, we don't have specific</p>	<p style="text-align: right;">Page 31</p> <p>1 Yessica K. Vallejo</p> <p>2 the finance manager position, it was just</p> <p>3 given to you as a promotion?</p> <p>4 MR. GOODMAN: Objection to</p> <p>5 form.</p> <p>6 A. It was a vacancy in the department</p> <p>7 and they offered me the job, yes, they did.</p> <p>8 Q. Why was there a vacancy in the</p> <p>9 department?</p> <p>10 MR. GOODMAN: Object to the</p> <p>11 form.</p> <p>12 A. I don't recall.</p> <p>13 Q. Who was the finance manager who</p> <p>14 left Victory Mitsubishi that made that</p> <p>15 vacancy?</p> <p>16 A. Sorry, repeat your question again.</p> <p>17 MR. GOODMAN: Objection.</p> <p>18 Q. Sorry, I phrased that a little all</p> <p>19 over the place.</p> <p>20 What was the name of the finance</p> <p>21 manager who left and created that vacancy</p> <p>22 that you filled?</p> <p>23 MR. GOODMAN: Object to the</p> <p>24 form.</p> <p>25 A. I don't know. I don't recall.</p>
<p style="text-align: right;">Page 30</p> <p>1 Yessica K. Vallejo</p> <p>2 date and time.</p> <p>3 Q. Sure. Was that around the time</p> <p>4 that the company at Victory Mitsubishi</p> <p>5 switched from Victory Auto Group LLC, to</p> <p>6 Spartan Auto Group LLC?</p> <p>7 MR. GOODMAN: Object to</p> <p>8 form; go ahead.</p> <p>9 A. I have no knowledge of none of that</p> <p>10 stuff. That's way above my pay grade.</p> <p>11 Q. Sure. Sure. Was there any major</p> <p>12 change that precipitated you becoming finance</p> <p>13 manager at the dealership, that you're aware</p> <p>14 of?</p> <p>15 MR. GOODMAN: Object to</p> <p>16 form.</p> <p>17 A. I became a finance manager because</p> <p>18 I had -- I got a promotion. My supervisor, I</p> <p>19 am assuming, was happy with my performance,</p> <p>20 and then I got a promotion.</p> <p>21 Q. And you're referring to Stavros</p> <p>22 Orsaris, correct?</p> <p>23 A. That is correct.</p> <p>24 Q. So you say you got a promotion.</p> <p>25 Does that mean you didn't apply for</p>	<p style="text-align: right;">Page 32</p> <p>1 Yessica K. Vallejo</p> <p>2 How you know that somebody actually</p> <p>3 left?</p> <p>4 Q. I don't. I am just trying to</p> <p>5 figure it out. You said there was a vacancy,</p> <p>6 I assumed, but if you can clarify.</p> <p>7 A. Yeah.</p> <p>8 Q. Are you saying that the vacancy was</p> <p>9 created by expansion, or what did you mean</p> <p>10 by, "there was a vacancy"?</p> <p>11 A. I don't recall. That's what I am</p> <p>12 trying to explain to you.</p> <p>13 Q. Okay, okay. So just your</p> <p>14 recollection is that there was a position</p> <p>15 open for some reason, and you were given it;</p> <p>16 is that correct?</p> <p>17 MR. GOODMAN: Object to the</p> <p>18 form. Go ahead.</p> <p>19 A. Yes, if you want to put it that</p> <p>20 way. It was an opening, they offered the</p> <p>21 position to me, and then I say, yes, of</p> <p>22 course.</p> <p>23 Q. Okay. And what training did you</p> <p>24 take when you became a finance manager?</p> <p>25 A. I was trained by Deal Tracker,</p>

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<p style="text-align: right;">Page 33</p> <p>1 Yessica K. Vallejo</p> <p>2 which is the platform that we use.</p> <p>3 Q. When did that happen?</p> <p>4 A. As soon as I got the position.</p> <p>5 Q. Same day, same week, same month?</p> <p>6 A. I don't recall, but probably, yeah,</p> <p>7 right away.</p> <p>8 Q. What did that training entail?</p> <p>9 A. The whole finance process, you</p> <p>10 know, how to use the platform, and also I got</p> <p>11 training on the sales floor by Stavros, you</p> <p>12 know, basically, how the sales process work,</p> <p>13 how was their process, so on and so forth.</p> <p>14 Q. Why did Stavros give you this</p> <p>15 training on sales, if you were going to be</p> <p>16 working as a finance manager?</p> <p>17 MR. GOODMAN: Object to the</p> <p>18 form.</p> <p>19 A. I did not tell you that he gave me</p> <p>20 training on sales. I said he gave me</p> <p>21 training on how the process works.</p> <p>22 Q. Sure. And why were you given that</p> <p>23 training on how the process worked?</p> <p>24 MR. GOODMAN: Object to the</p> <p>25 form.</p>	<p style="text-align: right;">Page 35</p> <p>1 Yessica K. Vallejo</p> <p>2 A. It's just the way it's supposed to</p> <p>3 be. You know what has to be done, before the</p> <p>4 deal gets to me, you know, things like that.</p> <p>5 It's important.</p> <p>6 Q. Sure. Sure. So let's take a look</p> <p>7 at what I am marking as Exhibit 40.</p> <p>8 MR. GOODMAN: Can you tell</p> <p>9 me the Bates stamp number?</p> <p>10 MS. CATHERINE: Yeah, it's</p> <p>11 Defendant's 97 through Defendant's</p> <p>12 112. Or, no, sorry, Defendant's 93</p> <p>13 through Defendant's 112.</p> <p>14 MR. GOODMAN: Okay, so give</p> <p>15 us a moment.</p> <p>16 MS. CATHERINE: Sure.</p> <p>17 MR. GOODMAN: Because I have</p> <p>18 got the papers strewn all over this</p> <p>19 table. It starts at 93, right?</p> <p>20 MS. CATHERINE: Yes.</p> <p>21 MR. GOODMAN: What is it,</p> <p>22 Emma? What's the actual document?</p> <p>23 MS. CATHERINE: It's the</p> <p>24 subscriber application with Credit</p> <p>25 Bureau Connection. And, Ms.</p>
<p style="text-align: right;">Page 34</p> <p>1 Yessica K. Vallejo</p> <p>2 A. Because I was new to the position,</p> <p>3 and when somebody new to a position, new job,</p> <p>4 so on and so forth, you need to get training,</p> <p>5 in order for you to do your job correctly.</p> <p>6 Q. Sure. I am sorry, I am not</p> <p>7 phrasing this very well.</p> <p>8 What I mean is -- let me put it a</p> <p>9 different way: As finance manager, you're</p> <p>10 coming into the process, after the person has</p> <p>11 already spoken to a sales associate and a</p> <p>12 sales manager; is that right?</p> <p>13 A. Correct.</p> <p>14 Q. So why did you need to know about</p> <p>15 that part of the process when you only come</p> <p>16 in later?</p> <p>17 MR. GOODMAN: Object to the</p> <p>18 form.</p> <p>19 A. I did not tell you that I need to</p> <p>20 know, per se, about that part of the process,</p> <p>21 but I do need to understand the process. You</p> <p>22 understand what I mean? Like if I am part of</p> <p>23 the process, it's just fair for me to</p> <p>24 understand the whole process.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 36</p> <p>1 Yessica K. Vallejo</p> <p>2 Torres, this is e-mailed to you as</p> <p>3 well.</p> <p>4 MR. GOODMAN: Okay, we got</p> <p>5 it. Do you have -- here, you just</p> <p>6 use this one.</p> <p>7 THE WITNESS: Uh-huh.</p> <p>8 MR. GOODMAN: Okay, we got</p> <p>9 it, Emma. But she may need a</p> <p>10 minute to look at it. It's several</p> <p>11 pages.</p> <p>12 MS. CATHERINE: Sure.</p> <p>13 Take your time.</p> <p>14 THE WITNESS: (Witness</p> <p>15 peruses exhibit.)</p> <p>16 MR. GOODMAN: Do you have</p> <p>17 another version that the --</p> <p>18 THE WITNESS: Oh, all right.</p> <p>19 MR. GOODMAN: Okay, we got</p> <p>20 it.</p> <p>21 Q. And, Ms. Vallejo, I think I forgot</p> <p>22 to say this, but I should say this, since</p> <p>23 you're new to this deposition thing. If at</p> <p>24 any point you need to take a break, and</p> <p>25 whenever you want to take a break for lunch,</p>

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<p style="text-align: right;">Page 37</p> <p>1 Yessica K. Vallejo</p> <p>2 just let me know. I am happy to accommodate</p> <p>3 whatever you need.</p> <p>4 THE WITNESS: Sure.</p> <p>5 Q. Okay. So what is this document?</p> <p>6 MR. GOODMAN: Object to the</p> <p>7 form; go ahead.</p> <p>8 A. I have no knowledge of this</p> <p>9 document.</p> <p>10 Q. So this is your first time ever</p> <p>11 seeing this document?</p> <p>12 A. That is correct.</p> <p>13 Q. This document appears to be filled</p> <p>14 out by Diane Argyropoulos, correct?</p> <p>15 MR. GOODMAN: Object to the</p> <p>16 form.</p> <p>17 A. I see Diane's name over here, yes.</p> <p>18 I don't know if she filled the document out.</p> <p>19 I mean, I can't say that, because I wasn't</p> <p>20 there when it was generated.</p> <p>21 Q. Sure. Let me rephrase.</p> <p>22 It has her electronic signature on</p> <p>23 it, correct?</p> <p>24 A. What page? Can you see that?</p> <p>25 Q. So on the first page Bates-stamped</p>	<p style="text-align: right;">Page 39</p> <p>1 Yessica K. Vallejo</p> <p>2 inquiries do you think there would be, per</p> <p>3 month, at the dealership?</p> <p>4 MR. GOODMAN: Object to the</p> <p>5 form. Time frame?</p> <p>6 A. I don't know. I couldn't tell you.</p> <p>7 Q. Sure. Let me rephrase. How many</p> <p>8 -- about how many inquiries do you think --</p> <p>9 excuse me.</p> <p>10 About how many credit inquiries are</p> <p>11 there, per day, at the dealership?</p> <p>12 MR. GOODMAN: Object to the</p> <p>13 form. You are asking today?</p> <p>14 MS. CATHERINE: On average.</p> <p>15 MR. GOODMAN: Okay, go</p> <p>16 ahead.</p> <p>17 A. I don't know.</p> <p>18 Q. Well, you said you don't think the</p> <p>19 estimation of 1,000 monthly inquiries is</p> <p>20 accurate; why is that?</p> <p>21 A. Because we have a high volume of</p> <p>22 customers, yeah. We -- we -- we are pretty</p> <p>23 busy. We are pretty busy dealership. We</p> <p>24 have a lot of customers.</p> <p>25 Q. About how many customers do you</p>
<p style="text-align: right;">Page 38</p> <p>1 Yessica K. Vallejo</p> <p>2 Defendant's 93 at the bottom of the page.</p> <p>3 A. Yes, I see her electronic signature</p> <p>4 there.</p> <p>5 Q. Okay. Why was this signed by Mr.</p> <p>6 Argyropoulos, rather than a finance manager,</p> <p>7 for example?</p> <p>8 MR. GOODMAN: Object to the</p> <p>9 form.</p> <p>10 A. I don't know.</p> <p>11 Q. Estimate of monthly inquiries</p> <p>12 listed here on Defendant's 93 is 1,000. Do</p> <p>13 you see that?</p> <p>14 A. What page?</p> <p>15 Q. The first page marked Defendant's</p> <p>16 93. It's kind of in the middle.</p> <p>17 A. 1,000?</p> <p>18 Q. Uh-huh.</p> <p>19 A. I can see that, yes.</p> <p>20 Q. Okay. Is that an accurate</p> <p>21 estimation, in your experience?</p> <p>22 MR. GOODMAN: Object to the</p> <p>23 form.</p> <p>24 A. No.</p> <p>25 Q. All right. How many -- how many</p>	<p style="text-align: right;">Page 40</p> <p>1 Yessica K. Vallejo</p> <p>2 see, per day, at the dealership?</p> <p>3 MR. GOODMAN: Object to the</p> <p>4 form; go ahead.</p> <p>5 A. On an average, it could be -- on a</p> <p>6 busy day, which usually the weekends, it</p> <p>7 could be, maybe, seven, eight customers.</p> <p>8 Q. And if a customer is seeing you,</p> <p>9 that means that they're at least attempting</p> <p>10 to get financing for a vehicle; is that</p> <p>11 correct?</p> <p>12 A. That is correct.</p> <p>13 Q. How many other finance managers are</p> <p>14 there besides you?</p> <p>15 A. Four more.</p> <p>16 Q. And as far as you're aware, do</p> <p>17 those finance managers see around the same</p> <p>18 volume of customers as you do?</p> <p>19 A. Yeah. On average, yes.</p> <p>20 Q. And still looking at this first</p> <p>21 page, Defendant's 93, the agreement here says</p> <p>22 that the credit information will be used to,</p> <p>23 quote, "evaluate the credit of customers for</p> <p>24 consumer loans or lease," end quote.</p> <p>25 How does that work, evaluating the</p>

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<p style="text-align: right;">Page 41</p> <p>1 Yessica K. Vallejo</p> <p>2 credit of consumers?</p> <p>3 MR. GOODMAN: Object to the</p> <p>4 form.</p> <p>5 A. Well, I am -- we -- per se, we</p> <p>6 don't do any type of evaluation of credit</p> <p>7 because we don't provide credit. The</p> <p>8 lenders, they provide credit. So we submit</p> <p>9 the loan to lenders, they do their</p> <p>10 evaluation, and they probably have the</p> <p>11 guidelines and, you know, the ways to know if</p> <p>12 the customer qualifies or not.</p> <p>13 Q. Okay.</p> <p>14 A. My job is not to evaluate nobody's</p> <p>15 credit.</p> <p>16 Q. Sure. When you say, "they," or you</p> <p>17 may have said "we," I don't recall, but are</p> <p>18 you referring to finance managers at the</p> <p>19 dealership, or are you referring to the</p> <p>20 dealership as a whole?</p> <p>21 MR. GOODMAN: Object to the</p> <p>22 form.</p> <p>23 A. When I said, "they," I was</p> <p>24 referring to the lenders that we use.</p> <p>25 MR. GOODMAN: Oh.</p>	<p style="text-align: right;">Page 43</p> <p>1 Yessica K. Vallejo</p> <p>2 judgment calls on no one's credit report.</p> <p>3 Q. Got it.</p> <p>4 A. Submit the loan to the lenders, the</p> <p>5 lender on their discretion, they approve or</p> <p>6 deny the loan. Which it has nothing to do</p> <p>7 with the finance manager, per se.</p> <p>8 Q. And does Stavros or any of the</p> <p>9 sales managers ever tell you what their</p> <p>10 evaluation of the credit of a customer is</p> <p>11 when they bring a customer to you?</p> <p>12 MR. GOODMAN: Object to the</p> <p>13 form.</p> <p>14 A. No. Like if they tell me make what</p> <p>15 judgments about credit and stuff? No. No.</p> <p>16 Q. If you could turn to the next page,</p> <p>17 this is Defendant's 94. In bullet three here</p> <p>18 it says towards the end that, Victory</p> <p>19 Mitsubishi will, quote, "obtain a consumer's</p> <p>20 written authorization to request such</p> <p>21 information relating to that consumer," end</p> <p>22 quote, and referring to "credit reports."</p> <p>23 How does Victory Mitsubishi obtain</p> <p>24 written authorization for consumers credit</p> <p>25 reports?</p>
<p style="text-align: right;">Page 42</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Sure, no, let me rephrase.</p> <p>3 When you say that -- that you're</p> <p>4 not evaluating the credit of customers and</p> <p>5 that's the lenders who are doing that, are</p> <p>6 you saying that the finance managers don't</p> <p>7 evaluate the credit of customers, or that the</p> <p>8 dealership, as a whole, doesn't evaluate the</p> <p>9 credit of customers?</p> <p>10 MR. GOODMAN: Yeah, that's</p> <p>11 object to form.</p> <p>12 A. I am just -- I don't understand</p> <p>13 your question.</p> <p>14 Q. Sure. Does anyone at the</p> <p>15 dealership evaluate the credit of customers</p> <p>16 for consumer loans or leases?</p> <p>17 MR. GOODMAN: Object to the</p> <p>18 form.</p> <p>19 A. Before the deal goes to my office,</p> <p>20 they round the credit, yes, the sales manager</p> <p>21 round the credit and prepares for submission</p> <p>22 to the lenders, which is what I do. They</p> <p>23 have the process, which is between Stavros</p> <p>24 and sales manager. I am talking about me,</p> <p>25 per se, I do not evaluate or make any</p>	<p style="text-align: right;">Page 44</p> <p>1 Yessica K. Vallejo</p> <p>2 A. When the customer goes to the</p> <p>3 dealership, and they are willingly there</p> <p>4 because they want to purchase a vehicle,</p> <p>5 then, they handwrite a credit application.</p> <p>6 That credit application has that customer</p> <p>7 personal information. It's signed and dated</p> <p>8 by the customer. And that gives</p> <p>9 authorization for us to pull credit.</p> <p>10 Q. You can turn to Defendant's 95,</p> <p>11 please. Next page. And if you look at</p> <p>12 bullet fifteen on this page, it refers to</p> <p>13 training in, quote, "proper usage</p> <p>14 requirements and restriction and security</p> <p>15 requirements," end quote. Do you see that?</p> <p>16 A. Yes. That's number fifteen?</p> <p>17 Q. Uh-huh.</p> <p>18 MR. GOODMAN: Can I see</p> <p>19 that?</p> <p>20 Hang on one second.</p> <p>21 Okay, go ahead.</p> <p>22 Q. So employees of Victory Mitsubishi</p> <p>23 have to log into Dealer Track and fill out a</p> <p>24 form, prior to pulling a credit report,</p> <p>25 correct?</p>

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<p style="text-align: right;">Page 45</p> <p>1 Yessica K. Vallejo</p> <p>2 A. You mean to pull the customer's</p> <p>3 credit report?</p> <p>4 Q. Yes.</p> <p>5 A. Oh, because my credit report, no.</p> <p>6 Yes. Sure. I mean, we have to type the</p> <p>7 information, same information that is in the</p> <p>8 handwriting application sign and dated by the</p> <p>9 customer. That's what we type to pull the</p> <p>10 credit information.</p> <p>11 Q. And that would be the security</p> <p>12 requirements that they are talking about on</p> <p>13 this page; is that right?</p> <p>14 MR. GOODMAN: Object to the</p> <p>15 form.</p> <p>16 A. Well, there's -- you need a</p> <p>17 handwritten app dated and signed, and you</p> <p>18 need a picture ID, in order to pull credit.</p> <p>19 That's how we do it.</p> <p>20 Q. And you make a copy of the picture</p> <p>21 ID; is that correct?</p> <p>22 A. That is correct.</p> <p>23 Q. And to pull a credit report, an</p> <p>24 employee has to log into Deal Tracker.</p> <p>25 There's no other way to pull a credit report;</p>	<p style="text-align: right;">Page 47</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Object to the</p> <p>3 form.</p> <p>4 A. I don't recall.</p> <p>5 Q. Have you ever spoken to David</p> <p>6 Daniel?</p> <p>7 A. I don't recall.</p> <p>8 Q. Have you received an e-mail from</p> <p>9 David Daniel?</p> <p>10 A. I don't recall.</p> <p>11 Q. Now I would like to mark as Exhibit</p> <p>12 41, the pages Bates-stamped Defendant's 73</p> <p>13 to 82.</p> <p>14 MR. GOODMAN: That's this?</p> <p>15 MS. CATHERINE: Yeah, it's</p> <p>16 the Capital One document.</p> <p>17 Q. And if you could just take a second</p> <p>18 to review that document and let me know when</p> <p>19 you are finished.</p> <p>20 MR. GOODMAN: When you are</p> <p>21 ready, tell her.</p> <p>22 A. Yeah, we ready.</p> <p>23 Q. Okay. What is this document?</p> <p>24 A. Well, the name of the document is a</p> <p>25 "dealer information form," but the document,</p>
<p style="text-align: right;">Page 46</p> <p>1 Yessica K. Vallejo</p> <p>2 is that correct?</p> <p>3 A. That is correct.</p> <p>4 Q. And were you -- specifically, have</p> <p>5 you ever pulled a credit report at Victory</p> <p>6 Mitsubishi, other than doing so through Deal</p> <p>7 Tracker?</p> <p>8 A. No.</p> <p>9 Q. And going down to Section B1 here,</p> <p>10 on the same page, Defendant's 95, where it</p> <p>11 says, "CBC agrees" -- do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. This provision refers to providing</p> <p>14 the use of certain services, including one</p> <p>15 through Equifax called T-A-L-X -- what is</p> <p>16 T-A-L-X?</p> <p>17 A. I don't know.</p> <p>18 Q. And on Defendant's 96, which is the</p> <p>19 next page, at the bottom there's some</p> <p>20 signatures. Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. And one of those signatures is of a</p> <p>23 CBC representative named David Daniel who is,</p> <p>24 apparently, a compliance manager. When is</p> <p>25 the last time you spoke to David Daniel?</p>	<p style="text-align: right;">Page 48</p> <p>1 Yessica K. Vallejo</p> <p>2 per se, I don't know what it is.</p> <p>3 Q. So prior to being given this</p> <p>4 document right now, had you ever seen this</p> <p>5 document?</p> <p>6 A. It was on the pile of papers that</p> <p>7 they gave me. I seen this document before,</p> <p>8 yes, but this is not the document that I am</p> <p>9 familiar with or work with or...</p> <p>10 Q. Okay.</p> <p>11 MR. GOODMAN: Who gave you?</p> <p>12 You said "they" gave you.</p> <p>13 THE WITNESS: Huh?</p> <p>14 MR. GOODMAN: Who gave you?</p> <p>15 THE WITNESS: You just gave</p> <p>16 it to me. She asked for it.</p> <p>17 MR. GOODMAN: Okay, all</p> <p>18 right. Sorry, go ahead.</p> <p>19 MS. CATHERINE: It's all</p> <p>20 right.</p> <p>21 Q. And on page Defendant's 75, toward</p> <p>22 the bottom, there's handwritten initials.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Do you recognize those initials?</p>

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<p style="text-align: right;">Page 49</p> <p>1 Yessica K. Vallejo</p> <p>2 A. No.</p> <p>3 Q. And if you turn to the next page,</p> <p>4 Defendant's 76, that's the signature of Diane</p> <p>5 Argyropoulos there, correct?</p> <p>6 A. I don't know. I don't know her</p> <p>7 signature.</p> <p>8 Q. Okay. Fair enough. Let's turn</p> <p>9 back to the first page marked Defendant's 73.</p> <p>10 Who is Diane Argyropoulos?</p> <p>11 MR. GOODMAN: Object to the</p> <p>12 form; go ahead.</p> <p>13 A. She is the owner of the dealership,</p> <p>14 I believe.</p> <p>15 Q. And has that been the case since</p> <p>16 you started working there as a financial</p> <p>17 assistant?</p> <p>18 A. Correct.</p> <p>19 Q. And Chris Orsaris is listed here as</p> <p>20 general manager. Do you see that?</p> <p>21 A. I see that.</p> <p>22 Q. Is that your understanding, that</p> <p>23 Chris Orsaris is the general manager at</p> <p>24 Victory Mitsubishi?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 51</p> <p>1 Yessica K. Vallejo</p> <p>2 he used to work there with us back in -- back</p> <p>3 in 2018/2019, around there.</p> <p>4 Q. Okay. And why did he leave Victory</p> <p>5 Mitsubishi?</p> <p>6 MR. GOODMAN: Object to</p> <p>7 form.</p> <p>8 A. I don't know.</p> <p>9 Q. At the time that he was working at</p> <p>10 the dealership, was he, generally, the</p> <p>11 contact for finance companies?</p> <p>12 MR. GOODMAN: Object to</p> <p>13 form.</p> <p>14 A. I don't recall.</p> <p>15 Q. Is there someone at the dealership,</p> <p>16 currently, who is the contact for lenders?</p> <p>17 MR. GOODMAN: Object to</p> <p>18 form, but go ahead.</p> <p>19 A. Yes.</p> <p>20 Q. Who is that?</p> <p>21 A. Stavros Orsaris.</p> <p>22 Q. If a finance company had to arrange</p> <p>23 for a deal to be unwound, who would they</p> <p>24 contact at Victory Mitsubishi?</p> <p>25 MR. GOODMAN: Object to</p>
<p style="text-align: right;">Page 50</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. And who is the general manager at</p> <p>3 Victory Mitsubishi?</p> <p>4 A. Stavros Orsaris.</p> <p>5 Q. Okay. And Chris Orsaris is also</p> <p>6 listed as the general sales manager here. Is</p> <p>7 it your understanding that he is the general</p> <p>8 sales manager?</p> <p>9 MR. GOODMAN: Object to</p> <p>10 form. Again, time frame, but go</p> <p>11 ahead.</p> <p>12 A. No. No.</p> <p>13 Q. Who is the general sales manager?</p> <p>14 A. To my understanding, it's Stavros</p> <p>15 Orsaris.</p> <p>16 Q. Okay.</p> <p>17 A. Remember, all these internal</p> <p>18 paperwork that has to do with ownership, so</p> <p>19 on and so forth. I have no access to none of</p> <p>20 that. It's way above my pay grade.</p> <p>21 Q. Sure. Sure. And I am only asking</p> <p>22 you about what you know about it.</p> <p>23 A. Okay.</p> <p>24 Q. Who is Edwin Feables?</p> <p>25 A. Edwin Feables was a finance manager</p>	<p style="text-align: right;">Page 52</p> <p>1 Yessica K. Vallejo</p> <p>2 form.</p> <p>3 A. Stavros Orsaris.</p> <p>4 Q. Who is Ken McGhee?</p> <p>5 A. He is the rep for Capital One.</p> <p>6 Q. And when was the last time you</p> <p>7 spoke with Mr. McGhee?</p> <p>8 A. I don't really speak to him. That</p> <p>9 would be Stavros Orsaris that always take</p> <p>10 care of bank reps and, you know, anything</p> <p>11 they going to do with administrative stuff,</p> <p>12 yeah.</p> <p>13 Q. And who is Robert Montgomery?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you know what C-O-A-F-R-S-M</p> <p>16 stands for?</p> <p>17 A. No.</p> <p>18 Q. Have you spoken with anyone at</p> <p>19 Capital One regarding this lawsuit?</p> <p>20 A. No.</p> <p>21 Q. And if you could please turn to the</p> <p>22 page Bates-stamped Defendant's 74, which is</p> <p>23 the second page of the document. And if you</p> <p>24 could look at Section 1, Subsection G,</p> <p>25 starting with "dealer warrants that" -- do</p>

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<p style="text-align: right;">Page 53</p> <p>1 Yessica K. Vallejo</p> <p>2 you see that section?</p> <p>3 A. Uh-huh, yes.</p> <p>4 Q. How does Victory Mitsubishi ensure</p> <p>5 that, quote, "all contracts are genuine,</p> <p>6 signed by persons with full capacity to</p> <p>7 contract," end quote?</p> <p>8 A. We make sure that the customer</p> <p>9 completed all the process in order to sign a</p> <p>10 contract. Like they go to the dealership,</p> <p>11 they give you handwritten application, signed</p> <p>12 and dated, they choose the car, they sit down</p> <p>13 with the finance manager, they go over the</p> <p>14 numbers, and we, in the best of our ability,</p> <p>15 try to verify that the customer is actually</p> <p>16 the person they say they are.</p> <p>17 Q. And how do you do that; how do you</p> <p>18 verify that?</p> <p>19 A. When we submit the customer</p> <p>20 application, the first thing that you can see</p> <p>21 in Deal Tracker is the red flags. If the</p> <p>22 customer have any source of Credit Bureau</p> <p>23 alert, any consumer alert, any issues with</p> <p>24 their information, they can, you know, they</p> <p>25 couldn't be compromised. We will get alert</p>	<p style="text-align: right;">Page 55</p> <p>1 Yessica K. Vallejo</p> <p>2 Mitsubishi?</p> <p>3 A. I believe she is.</p> <p>4 Q. And has she been the comptroller at</p> <p>5 Victory Mitsubishi as long as you have worked</p> <p>6 there?</p> <p>7 A. I don't recall, to be honest with</p> <p>8 you.</p> <p>9 Q. That's fine. Who were your</p> <p>10 supervisors at Victory Mitsubishi?</p> <p>11 A. Stavros Orsaris.</p> <p>12 Q. Anyone else?</p> <p>13 A. No.</p> <p>14 MR. GOODMAN: We're going a</p> <p>15 little over an hour now. Can we</p> <p>16 take a ten-minute break?</p> <p>17 MS. CATHERINE: Sure.</p> <p>18 MR. GOODMAN: Please.</p> <p>19 (Whereupon, a recess was</p> <p>20 taken at this time.)</p> <p>21 BY MS. CATHERINE:</p> <p>22 Q. So let's start with a couple of</p> <p>23 follow-up questions about something we had</p> <p>24 discussed earlier.</p> <p>25 In terms of what information you</p>
<p style="text-align: right;">Page 54</p> <p>1 Yessica K. Vallejo</p> <p>2 from Credit Bureau companies. So if we get</p> <p>3 an alert, right, we already know that there's</p> <p>4 something going on. We stop the transaction</p> <p>5 and verify. If it's no alert, we verify with</p> <p>6 ID that that person is that person, and then</p> <p>7 we continue with the process.</p> <p>8 Q. You could turn to Defendant's 77,</p> <p>9 please. And why is Stavros Orsaris listed on</p> <p>10 this page as a managing member?</p> <p>11 MR. GOODMAN: Object to</p> <p>12 form.</p> <p>13 A. I don't know.</p> <p>14 Q. Is Stavros Orsaris an owner of</p> <p>15 Victory Mitsubishi?</p> <p>16 MR. GOODMAN: Object to</p> <p>17 form.</p> <p>18 A. I don't know.</p> <p>19 Q. If you could turn to the next page,</p> <p>20 Defendant's 78, who is Maria Sores? Sorry if</p> <p>21 I am mispronouncing that.</p> <p>22 A. Her title is next to her name.</p> <p>23 Q. Sure. Do you work with Ms. Sores?</p> <p>24 A. No.</p> <p>25 Q. Is she still comptroller at Victory</p>	<p style="text-align: right;">Page 56</p> <p>1 Yessica K. Vallejo</p> <p>2 have access to at Victory Mitsubishi, would</p> <p>3 you have the same access as sales managers at</p> <p>4 the dealership?</p> <p>5 MR. SELVEY: Object to form.</p> <p>6 A. Yes.</p> <p>7 Q. Would you have the same access as</p> <p>8 Stavros Orsaris?</p> <p>9 MR. SELVEY: Object to form.</p> <p>10 A. No.</p> <p>11 Q. What can he access, that you</p> <p>12 cannot?</p> <p>13 A. I don't know. But he is general</p> <p>14 sales manager. So definitely he has more</p> <p>15 access than me.</p> <p>16 Q. Okay. And in regards to employees</p> <p>17 who have been fired at the dealership, were</p> <p>18 those salespeople that were fired?</p> <p>19 A. I don't know. I mean, I don't</p> <p>20 understand your question.</p> <p>21 Q. Sure. Who do you remember getting</p> <p>22 fired at the dealership?</p> <p>23 A. I don't remember nothing related to</p> <p>24 that, to people getting fired. Hiring --</p> <p>25 hiring, firing, all that stuff, it's -- it</p>

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<p style="text-align: right;">Page 57</p> <p>1 Yessica K. Vallejo</p> <p>2 has nothing to do with my job. Firing,</p> <p>3 hiring, those are things that you need to</p> <p>4 discuss with Stavros Orsaris.</p> <p>5 Q. So you don't -- you don't recall</p> <p>6 anyone being fired, specifically; is that</p> <p>7 right?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay. And earlier we were talking</p> <p>10 about the evaluation of consumers credit at</p> <p>11 Victory Mitsubishi. Are credit scores used</p> <p>12 to evaluate consumers credit?</p> <p>13 A. We can say so.</p> <p>14 Q. And you would be provided what the</p> <p>15 consumer's credit scores were from the</p> <p>16 reports that were pulled; is that correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Would those credit scores be used</p> <p>19 to help you decide which finance companies</p> <p>20 you would send a credit application to?</p> <p>21 A. Not quite the way you saying it,</p> <p>22 but remember, I don't know if you know this,</p> <p>23 every lender, they have their own guidelines.</p> <p>24 Q. Right.</p> <p>25 A. So we go based on their guidelines.</p>	<p style="text-align: right;">Page 59</p> <p>1 Yessica K. Vallejo</p> <p>2 A. We go based on the lender's</p> <p>3 guidelines.</p> <p>4 Q. Okay. Are you involved in the</p> <p>5 process of hiring people for Victory</p> <p>6 Mitsubishi?</p> <p>7 A. No.</p> <p>8 Q. And you have your own office at the</p> <p>9 4070 Boston Road address; is that correct?</p> <p>10 A. That is correct.</p> <p>11 Q. And besides the 4070 Boston Road</p> <p>12 address, do you work from any other</p> <p>13 locations?</p> <p>14 A. No.</p> <p>15 Q. But there are other locations for</p> <p>16 the dealership; is that correct?</p> <p>17 A. I don't know.</p> <p>18 Q. On a day-to-day basis, regular</p> <p>19 course of business at your work, who are you</p> <p>20 working with at Victory Mitsubishi?</p> <p>21 MR. GOODMAN: Objection to</p> <p>22 form; timeline.</p> <p>23 A. I work directly with Stavros</p> <p>24 Orsaris.</p> <p>25 Q. Anyone else?</p>
<p style="text-align: right;">Page 58</p> <p>1 Yessica K. Vallejo</p> <p>2 If a specific lender has a guideline that</p> <p>3 they will take into consideration a credit</p> <p>4 score between, let's say -- let's put an</p> <p>5 example, between 700 and 800, so we already</p> <p>6 know that we have that qualified customer</p> <p>7 that qualifies for that specific lender. So</p> <p>8 then we send it to that lender. It's not,</p> <p>9 per se, that I go there and I choose what</p> <p>10 lender I want to send the loan to, no,</p> <p>11 because I am not a lender. I go based on the</p> <p>12 lender's guidelines.</p> <p>13 Q. And there are some lenders who</p> <p>14 would automatically decline an application,</p> <p>15 based on the criteria that you were just</p> <p>16 talking about; is that correct?</p> <p>17 A. Based on their guidelines, which</p> <p>18 that's the lender, it has nothing to do, per</p> <p>19 se, with the finance manager, or the</p> <p>20 dealership.</p> <p>21 Q. Sure. So do you just submit</p> <p>22 applications to the same finance companies</p> <p>23 for every consumer, or how do you decide</p> <p>24 which finance companies you are submitting</p> <p>25 to?</p>	<p style="text-align: right;">Page 60</p> <p>1 Yessica K. Vallejo</p> <p>2 A. The sales department has</p> <p>3 salespeople, sales managers, and I have four</p> <p>4 other finance managers that I, of course,</p> <p>5 interact during the daily basis. We have the</p> <p>6 quoters outside, we have operations manager</p> <p>7 outside. Yes, I work with salespeople, other</p> <p>8 finance managers, and, of course, the sales</p> <p>9 managers as well.</p> <p>10 Q. Okay.</p> <p>11 MS. CATHERINE: Mr. Goodman,</p> <p>12 did you hear that last question?</p> <p>13 Do you need to have it --</p> <p>14 MR. GOODMAN: No, that's</p> <p>15 fine. Go ahead, that's fine.</p> <p>16 MS. CATHERINE: Okay.</p> <p>17 Q. So let's talk about the salespeople</p> <p>18 that you work with. In your -- in the</p> <p>19 regular course of business at Victory</p> <p>20 Mitsubishi, what sort of things -- what sort</p> <p>21 of interactions are you having with</p> <p>22 salespeople?</p> <p>23 MR. GOODMAN: Object to the</p> <p>24 form.</p> <p>25 A. Usually. My direct interaction is</p>

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<p style="text-align: right;">Page 61</p> <p>1 Yessica K. Vallejo</p> <p>2 with Stavros Orsaris and sales managers.</p> <p>3 Q. Okay. And what sort of</p> <p>4 interactions are you having with the sales</p> <p>5 managers?</p> <p>6 A. If I have any questions about the</p> <p>7 sale, any questions about the vehicle, you</p> <p>8 know, I go to them because they are the ones</p> <p>9 working the sale, the -- that transaction</p> <p>10 with the customer directly, and also with the</p> <p>11 salesperson, you know. Basically, that's to</p> <p>12 communicate, tell them, you know, if the</p> <p>13 customer is okay with the numbers, customer</p> <p>14 is happy with the vehicle, customer has any</p> <p>15 concerns, they will like to have anything</p> <p>16 done to the vehicle. You know, all those</p> <p>17 things are things that I have to communicate</p> <p>18 with the sales managers, just to make sure</p> <p>19 the sale, you know, that we finalize the sale</p> <p>20 the correct way, customer is happy, so on and</p> <p>21 so forth, yes.</p> <p>22 Q. Okay. So this would be at the</p> <p>23 point when -- and correct me if am I wrong</p> <p>24 here, I am just trying to ascertain -- this</p> <p>25 would be at the point when the consumer is in</p>	<p style="text-align: right;">Page 63</p> <p>1 Yessica K. Vallejo</p> <p>2 correct?</p> <p>3 A. Well, depending if he's in his</p> <p>4 office. We'll look for him. If he is on the</p> <p>5 floor, if he on the podium, if he is talking</p> <p>6 to a customer -- he could be doing different</p> <p>7 things, you know, or I will find him and ask</p> <p>8 him whatever I need.</p> <p>9 Q. Sure. Where is he usually?</p> <p>10 MR. GOODMAN: Object to the</p> <p>11 form.</p> <p>12 A. He is usually in the podium.</p> <p>13 Q. And what is "the podium"?</p> <p>14 A. On the sales floor.</p> <p>15 MR. GOODMAN: What is it?</p> <p>16 THE WITNESS: Sales floor.</p> <p>17 That's -- that's how it's called,</p> <p>18 it's called "podium." It look like</p> <p>19 a podium. That's where they all</p> <p>20 sit down, the sales managers.</p> <p>21 Q. So I have never been to Victory</p> <p>22 Mitsubishi in person myself. So could you</p> <p>23 explain to me a little bit of what the set up</p> <p>24 is of the sales floor?</p> <p>25 A. Well, you have the sales floor, you</p>
<p style="text-align: right;">Page 62</p> <p>1 Yessica K. Vallejo</p> <p>2 your office, and you are going over finance</p> <p>3 options, and let's say the consumer wants to</p> <p>4 know about add-ons for the vehicle, is that</p> <p>5 something you might ask the sales manager</p> <p>6 about?</p> <p>7 A. Correct, yeah.</p> <p>8 Q. Okay, great. What about</p> <p>9 Mr. Orsaris, what parts of the sale are you</p> <p>10 working on with him?</p> <p>11 A. Stavros Orsaris?</p> <p>12 Q. Yes, yes. Sorry.</p> <p>13 A. Usually, I work the sale more</p> <p>14 directly with the sales manager. Stavros is</p> <p>15 the general sales manager. So if it's</p> <p>16 anything that the sales manager cannot make a</p> <p>17 decision on, then, we go to Stavros.</p> <p>18 Q. Okay. And I will keep calling him</p> <p>19 "Mr. Orsaris," when I need to specify.</p> <p>20 Stavros Orsaris has his own office</p> <p>21 at Victory Mitsubishi; is that correct?</p> <p>22 A. That is correct, yes.</p> <p>23 Q. And so if you or the sales manager</p> <p>24 had a question that you need to ask him, you</p> <p>25 would go to his office and ask him; is that</p>	<p style="text-align: right;">Page 64</p> <p>1 Yessica K. Vallejo</p> <p>2 have the desk for the salespeople, we have a</p> <p>3 couple of Mitsubishi models on the floors so</p> <p>4 customer can see the new vehicles, and then</p> <p>5 we have type of -- it's like a podium, where</p> <p>6 all the sales managers sit at. So, usually,</p> <p>7 Stavros Orsaris is sitting there because,</p> <p>8 once again, he is the general sales manager,</p> <p>9 so he is there.</p> <p>10 Q. When you say, "because he is the</p> <p>11 general manager, he is there," is that, like,</p> <p>12 a good location for him to see everything</p> <p>13 that's happening in the dealership or --</p> <p>14 A. Absolutely.</p> <p>15 Q. And is there a computer at this</p> <p>16 podium?</p> <p>17 MR. GOODMAN: Object to the</p> <p>18 form; go ahead.</p> <p>19 A. Yes.</p> <p>20 Q. Is there more than one computer?</p> <p>21 A. Yes.</p> <p>22 Q. Does Stavros Orsaris have his own</p> <p>23 computer at the podium?</p> <p>24 A. Yes.</p> <p>25 Q. And do you -- each of the sales</p>

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<p style="text-align: right;">Page 65</p> <p>1 Yessica K. Vallejo</p> <p>2 managers have their own computer at the</p> <p>3 podium?</p> <p>4 A. Yes.</p> <p>5 Q. And would the sales managers ever</p> <p>6 log into Mr. Orsar's computer for any</p> <p>7 reason?</p> <p>8 A. I don't know.</p> <p>9 Q. Have you ever logged into</p> <p>10 Mr. Orsar's computer?</p> <p>11 A. No.</p> <p>12 Q. Does Mr. Orsar have a computer in</p> <p>13 his office?</p> <p>14 A. Yes.</p> <p>15 Q. And does anyone at the dealership</p> <p>16 use tablets, or iPads, electronic devices,</p> <p>17 like that?</p> <p>18 A. I don't know.</p> <p>19 Q. So you don't use any devices like</p> <p>20 that, correct?</p> <p>21 A. Nope.</p> <p>22 Q. Have you ever seen anyone at the</p> <p>23 dealership using a device like that?</p> <p>24 A. I know Stavros has his laptop. I</p> <p>25 mean, I don't know, I really don't know. I</p>	<p style="text-align: right;">Page 67</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Are you looking at something right</p> <p>3 now?</p> <p>4 A. Yes, at the pen.</p> <p>5 Q. So during the beginning of the</p> <p>6 COVID-19 pandemic, Victory Mitsubishi was</p> <p>7 only having consumers come in by appointment;</p> <p>8 is that correct?</p> <p>9 MR. GOODMAN: Object to</p> <p>10 form; go ahead.</p> <p>11 A. That is correct.</p> <p>12 Q. And during that time, were you ever</p> <p>13 dealing with consumers, prior to them coming</p> <p>14 into the dealership by appointment?</p> <p>15 MR. GOODMAN: Object to</p> <p>16 form. Go ahead.</p> <p>17 A. I don't understand the question.</p> <p>18 Q. Sure. Would you ever speak on the</p> <p>19 phone with a customer, prior to them coming</p> <p>20 into the dealership by appointment?</p> <p>21 A. No.</p> <p>22 Q. Would you ever advise anyone at</p> <p>23 Victory Mitsubishi about what a consumer</p> <p>24 should bring in, prior to coming to the</p> <p>25 dealership?</p>
<p style="text-align: right;">Page 66</p> <p>1 Yessica K. Vallejo</p> <p>2 don't pay attention to those -- I mean, to</p> <p>3 those things, to be honest with you.</p> <p>4 Q. Sure. When you say, he has his</p> <p>5 laptop, is that separate from the computer at</p> <p>6 the podium, and the computer in his office?</p> <p>7 A. It's a laptop, yes.</p> <p>8 Q. Okay. So let's talk about the work</p> <p>9 that you do at Victory Mitsubishi.</p> <p>10 When does your role in the sales</p> <p>11 process begin?</p> <p>12 A. After the customer agree to</p> <p>13 purchase a vehicle, they have seen the</p> <p>14 vehicle, they like the vehicle, they ready to</p> <p>15 apply for financing for that vehicle that</p> <p>16 they came in to look for. That's when the</p> <p>17 customer goes to my office and we, you know,</p> <p>18 we take a look of what the lenders have to</p> <p>19 offer for that particular customer. We go</p> <p>20 over the numbers together, we go over their</p> <p>21 down payment, you know, sales taxes, I ask</p> <p>22 the customer, "you okay with the car, you</p> <p>23 happy with the car, did you look the vehicle,</p> <p>24 we going to apply for financing?" You know,</p> <p>25 and then that's basically the process.</p>	<p style="text-align: right;">Page 68</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Object to</p> <p>3 form.</p> <p>4 A. No.</p> <p>5 Q. Do you ever work with the other</p> <p>6 finance managers on a sale or a deal?</p> <p>7 A. Can you be a little bit more</p> <p>8 specific?</p> <p>9 Q. Sure. Let's say, you have a</p> <p>10 consumer come into the dealership, and you</p> <p>11 are entrusted in buying a vehicle, and they</p> <p>12 want to arrange financing for the vehicle,</p> <p>13 would there ever be a situation where more</p> <p>14 than one finance manager would work on</p> <p>15 arranging that financing?</p> <p>16 A. No.</p> <p>17 Q. Okay. So, essentially, each of the</p> <p>18 finance managers deals with certain</p> <p>19 customers. You get a certain customer</p> <p>20 assigned to you as a finance manager; is that</p> <p>21 correct?</p> <p>22 A. When you say, "a certain customer,"</p> <p>23 what you trying to imply by that?</p> <p>24 Q. Sure. I think -- actually, I think</p> <p>25 it's clear. I will just withdraw that</p>

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<p style="text-align: right;">Page 69</p> <p>1 Yessica K. Vallejo</p> <p>2 question.</p> <p>3 So when, in the sales process, do</p> <p>4 you start making credit applications to</p> <p>5 lenders?</p> <p>6 A. When the customer is ready to apply</p> <p>7 for financing. After the customer look at</p> <p>8 the vehicle and provide his credit</p> <p>9 application and ID, and once, again, it's</p> <p>10 ready to apply for financing.</p> <p>11 Q. And so would you send out those</p> <p>12 applications, before the consumer came into</p> <p>13 your office?</p> <p>14 MR. GOODMAN: Object to</p> <p>15 form.</p> <p>16 Go ahead.</p> <p>17 A. Yeah.</p> <p>18 Q. And so the consumer would come in,</p> <p>19 and you would discuss with them responses you</p> <p>20 had received to those applications; is that</p> <p>21 correct?</p> <p>22 A. That is correct.</p> <p>23 Q. What sort of things would you</p> <p>24 discuss with the consumer?</p> <p>25 A. Basically, the price of the</p>	<p style="text-align: right;">Page 71</p> <p>1 Yessica K. Vallejo</p> <p>2 financing," do you mean you would send out</p> <p>3 additional credit applications?</p> <p>4 A. Correct.</p> <p>5 Q. And let's say you show the customer</p> <p>6 the retail installment sales contract --</p> <p>7 that's the document you were talking about,</p> <p>8 right?</p> <p>9 A. Yeah, we can show that, we can show</p> <p>10 the purchase agreement, the bill of sales.</p> <p>11 Whatever the customer request, we print and</p> <p>12 we show them.</p> <p>13 Q. Okay. So you show them these</p> <p>14 documents and they say, "okay, this looks</p> <p>15 great" -- what happens then?</p> <p>16 A. Then, okay, so if the customer is</p> <p>17 okay with everything, they make the down</p> <p>18 payment, usually the sales manager takes care</p> <p>19 of that, and they go with the salesperson,</p> <p>20 and they -- they do their insurance, the</p> <p>21 customer, they do their insurance, you know,</p> <p>22 to transfer the plates or whatever, and once</p> <p>23 everything is done, car ready, it's clean,</p> <p>24 it's inspected and all of that, then, I get</p> <p>25 all the paperwork, and then I finalize the</p>
<p style="text-align: right;">Page 70</p> <p>1 Yessica K. Vallejo</p> <p>2 vehicle, sales taxes, interest rate, the term</p> <p>3 of the financing, and how much money you</p> <p>4 borrowing from the lender. Basically, what</p> <p>5 we discuss is the truth in lending part of</p> <p>6 the contract.</p> <p>7 Q. And so would you actually have a</p> <p>8 contract there ready for them to look at at</p> <p>9 that stage?</p> <p>10 A. The customer is entitled to a blank</p> <p>11 copy of the retail sales contract. They have</p> <p>12 to review, before anything. Then, if the</p> <p>13 customer agrees, then, we move on to the next</p> <p>14 part.</p> <p>15 Q. If the consumer wasn't happy with</p> <p>16 the terms, for example, if they didn't like</p> <p>17 the interest rate that they were receiving on</p> <p>18 the deal, what would happen next?</p> <p>19 A. Well, if the customer is not okay</p> <p>20 with the terms and what the lenders have to</p> <p>21 provide, then, the process stops right there.</p> <p>22 And we try to look for better financing. If</p> <p>23 cannot get any better financing, then, that's</p> <p>24 all.</p> <p>25 Q. When you say, "look for better</p>	<p style="text-align: right;">Page 72</p> <p>1 Yessica K. Vallejo</p> <p>2 deal. I print the final paperwork with</p> <p>3 everything correct, and accurate, and then I</p> <p>4 bring the customer back to my office. We,</p> <p>5 once again, review all the paperwork, review</p> <p>6 the vehicle, and the customer signs the</p> <p>7 paperwork, and then they go home with their</p> <p>8 car.</p> <p>9 Q. Okay. Let's talk about the --</p> <p>10 start with the security deposit. You said,</p> <p>11 usually, the sales manager takes the security</p> <p>12 deposit. Would you ever take the security</p> <p>13 deposit; for example, if all the sales</p> <p>14 managers are busy with other customers?</p> <p>15 A. What's the "security deposit"?</p> <p>16 Q. Sorry, I am thinking of</p> <p>17 landlord/tenant. The down payment.</p> <p>18 A. Oh, yes, sales managers take care</p> <p>19 of the down payment.</p> <p>20 Q. Would you ever take care of the</p> <p>21 down payment, if all the sales managers were</p> <p>22 busy with other customers?</p> <p>23 A. No, never.</p> <p>24 Q. Would Stavros Orsaris ever take</p> <p>25 care of the security -- excuse me.</p>

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1 Yessica K. Vallejo
 2 Would Stavros Orsaris ever take
 3 care of the down payment?
 4 A. I don't know.
 5 Q. Have you ever seen them take a down
 6 payment?
 7 A. I don't recall.
 8 Q. David Perez was a sales manager at
 9 Victory Mitsubishi, correct?
 10 A. That is correct.
 11 Q. And if you were working with
 12 Mr. Perez on a sale, and the consumer was
 13 ready to make their down payment, would he be
 14 the person to take the down payment, if he
 15 was the sales manager who had been working
 16 with the customer?
 17 A. Correct.
 18 Q. And would he also print the receipt
 19 for the down payment?
 20 A. I believe so.
 21 Q. And what happens to the down
 22 payment?
 23 A. We have a safe. We put the down
 24 payments in the safe.
 25 Q. And where is the safe?

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1 Yessica K. Vallejo
 2 A. Stavros's office.
 3 Q. Is the door to Stavros's office
 4 usually open during the day?
 5 MR. GOODMAN: Object to
 6 form.
 7 A. I don't know.
 8 Q. Do you have a key to Stavros'
 9 office?
 10 A. No.
 11 Q. Do the sales managers have keys to
 12 Stavros' office?
 13 A. I don't know.
 14 Q. Do you know the combination code to
 15 the safe?
 16 A. No.
 17 Q. So you can't access the safe; is
 18 that correct?
 19 A. That's correct. I cannot access
 20 the safe.
 21 Q. And the sales managers can access
 22 the safe to put in the down payments; is that
 23 correct?
 24 A. I don't know. I don't know who
 25 puts the money in the safe, who handles the

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1 Yessica K. Vallejo
 2 safe, who have passwords to touch the safe.
 3 I have no knowledge of nothing that have to
 4 do with the safe.
 5 Q. Okay, are you a salaried employee?
 6 A. I am a commission employee.
 7 Q. Okay. And do you have a base
 8 salary?
 9 A. No.
 10 Q. Okay. And how does your commission
 11 work?
 12 MR. GOODMAN: You can
 13 answer.
 14 A. I get paid twelve percent of the
 15 total gross of the deal that I do.
 16 Q. What does "total gross of the deal"
 17 mean?
 18 A. Total gross profit of the deal.
 19 Q. And I know this is going to sound
 20 nitpicking, but that's the profit to Victory
 21 Mitsubishi, correct?
 22 A. That is correct.
 23 Q. And what company is the payor of
 24 your paycheck?
 25 A. I believe it's ADT.

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1 Yessica K. Vallejo
 2 Q. Sorry, could you repeat that?
 3 A. I believe it's ADT.
 4 MR. GOODMAN: ADT is a
 5 payroll processing.
 6 THE WITNESS: Yes.
 7 MR. GOODMAN: Do you know
 8 who actually pays -- the company
 9 that pays the money to you?
 10 The name, that's what she's
 11 asking.
 12 THE WITNESS: Victory
 13 Mitsubishi.
 14 MR. GOODMAN: All right.
 15 Q. Do you get a physical paycheck or
 16 do you have direct deposit set up?
 17 A. I get my physical paycheck.
 18 Q. And it says, "Victory Mitsubishi"
 19 on your paycheck?
 20 A. I don't know. I will have to go
 21 and look at it.
 22 Q. Okay. If we can just leave a space
 23 in the transcript here, and if you can just
 24 let us know later on.
 25 A. For sure.

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<p style="text-align: right;">Page 77</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Take it under</p> <p>3 advisement.</p> <p>4 Q. So you started working at Victory</p> <p>5 Mitsubishi as a financial assistant around</p> <p>6 2017; is that correct?</p> <p>7 MR. GOODMAN: Object to</p> <p>8 form; asked and answered. Go</p> <p>9 ahead.</p> <p>10 A. Around there. Remember, I told you</p> <p>11 that I don't have specific dates in my mind.</p> <p>12 Q. Of course.</p> <p>13 A. If you need exact date, I can ask</p> <p>14 my employer to provide that.</p> <p>15 Q. No, that's okay. During your time</p> <p>16 working at Victory Mitsubishi, was there ever</p> <p>17 s major change in the employees or managers,</p> <p>18 you know, a bunch of people getting laid off</p> <p>19 at the same time, a bunch of people being</p> <p>20 laid off at the same time, something like</p> <p>21 that?</p> <p>22 MR. GOODMAN: Object to</p> <p>23 form; go ahead.</p> <p>24 A. Not that I recall.</p> <p>25 Q. Were there ever any major</p>	<p style="text-align: right;">Page 79</p> <p>1 Yessica K. Vallejo</p> <p>2 A. No.</p> <p>3 Q. Where is his office?</p> <p>4 A. On the sales floor.</p> <p>5 Q. Okay. Your current office is on</p> <p>6 the sales floor; is that correct?</p> <p>7 A. That is correct.</p> <p>8 Q. All of the finance managers have</p> <p>9 offices on the sales floor, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Chris Orsaris has an office on the</p> <p>12 sales floor; is that correct?</p> <p>13 A. No, that is not correct.</p> <p>14 Q. Is Chris Orsaris's office in the</p> <p>15 back office?</p> <p>16 MR. GOODMAN: Object to</p> <p>17 form.</p> <p>18 A. I don't know where Chris Orsaris's</p> <p>19 office is. If he has an office, I have no</p> <p>20 recollection of that.</p> <p>21 Q. Okay. When you were a financial</p> <p>22 assistant, were you a paid by commission as</p> <p>23 well?</p> <p>24 A. No.</p> <p>25 Q. You were salaried at that time; is</p>
<p style="text-align: right;">Page 78</p> <p>1 Yessica K. Vallejo</p> <p>2 restructuring of how the dealership operated?</p> <p>3 MR. GOODMAN: Object to</p> <p>4 form.</p> <p>5 A. No.</p> <p>6 Q. And you were always working at the</p> <p>7 4070 Boston Road address, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. When you were a financial</p> <p>10 assistant, do you have your own office?</p> <p>11 A. Yes.</p> <p>12 Q. Is it the same office that you have</p> <p>13 today?</p> <p>14 A. No.</p> <p>15 Q. Was this office on the sales floor?</p> <p>16 A. No.</p> <p>17 Q. Where was it in the dealership?</p> <p>18 A. The office was in the accounting</p> <p>19 office.</p> <p>20 Q. Where is the accounting office,</p> <p>21 generally?</p> <p>22 A. It's in the back. We call it "the</p> <p>23 back office," yeah.</p> <p>24 Q. Is that where Stavros Orsaris's</p> <p>25 office is?</p>	<p style="text-align: right;">Page 80</p> <p>1 Yessica K. Vallejo</p> <p>2 that correct?</p> <p>3 A. Correct.</p> <p>4 Q. And during your time as a finance</p> <p>5 manager, has the way you are paid ever</p> <p>6 changed?</p> <p>7 A. No.</p> <p>8 Q. Has your commission rate changed in</p> <p>9 any way?</p> <p>10 A. No.</p> <p>11 Q. When did David Perez start working</p> <p>12 at Victory Mitsubishi?</p> <p>13 A. I don't know. I have no</p> <p>14 recollection of the time.</p> <p>15 Q. Did he start working there before</p> <p>16 you?</p> <p>17 A. After me.</p> <p>18 Q. After you. What was his title when</p> <p>19 he started?</p> <p>20 A. He was a salesman.</p> <p>21 Q. And she would become a sales</p> <p>22 manager, correct?</p> <p>23 A. You mean "he."</p> <p>24 MR. GOODMAN: Yeah, I think</p> <p>25 you said "she."</p>

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<p style="text-align: right;">Page 81</p> <p>1 Yessica K. Vallejo</p> <p>2 MS. CATHERINE: Oh, I meant</p> <p>3 he.</p> <p>4 THE WITNESS: He. Yes, he</p> <p>5 got promotion.</p> <p>6 Q. When was that?</p> <p>7 A. I don't recall the timing.</p> <p>8 Q. And who is Phillip Argyropoulos?</p> <p>9 MR. GOODMAN: Object to</p> <p>10 form; go ahead.</p> <p>11 A. I believe that's Diane's husband.</p> <p>12 Q. And he was an owner of the</p> <p>13 dealership, correct?</p> <p>14 MR. GOODMAN: Object to</p> <p>15 form.</p> <p>16 A. To my understanding, she is.</p> <p>17 Q. Was he ever an owner of the</p> <p>18 dealership?</p> <p>19 MR. GOODMAN: Object to</p> <p>20 form.</p> <p>21 A. I don't know.</p> <p>22 Q. Have you ever seen Mr. Argyropoulos</p> <p>23 come into Victory Mitsubishi?</p> <p>24 A. No.</p> <p>25 Q. Has Mr. Argyropoulos ever given you</p>	<p style="text-align: right;">Page 83</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Object to</p> <p>3 form.</p> <p>4 A. To my understanding, she was the</p> <p>5 owner of Victory Mitsubishi.</p> <p>6 Q. So is that "yes" or "no," as to her</p> <p>7 also being a manager?</p> <p>8 A. I only know Diane as the owner of</p> <p>9 Victory Mitsubishi. Any other positions, I</p> <p>10 have no recollection. I can't tell you</p> <p>11 because I don't know.</p> <p>12 Q. Okay. Has Diane ever been present</p> <p>13 at meetings at Victory Mitsubishi, including</p> <p>14 by phone or by Zoom call?</p> <p>15 MR. GOODMAN: Object to</p> <p>16 form.</p> <p>17 A. Meeting that I have been present,</p> <p>18 no.</p> <p>19 Q. Has Stavros Orsaris ever mentioned</p> <p>20 needing to get Diane's approval for anything</p> <p>21 at Victory Mitsubishi?</p> <p>22 MR. GOODMAN: Objection to</p> <p>23 form.</p> <p>24 A. No.</p> <p>25 Q. Has Diane ever given you</p>
<p style="text-align: right;">Page 82</p> <p>1 Yessica K. Vallejo</p> <p>2 instructions about how to do your work at</p> <p>3 Victory Mitsubishi?</p> <p>4 A. No.</p> <p>5 Q. Has Mr. Argyropoulos ever been</p> <p>6 present for meetings at Victory Mitsubishi,</p> <p>7 including by phone or by Zoom call?</p> <p>8 MR. GOODMAN: Object to the</p> <p>9 form; go ahead.</p> <p>10 A. Meetings with me, per se?</p> <p>11 Q. Meetings you were present at.</p> <p>12 A. No.</p> <p>13 Q. Do you know if he has met with</p> <p>14 anyone else?</p> <p>15 A. I don't know.</p> <p>16 Q. What work does Mr. Argyropoulos do</p> <p>17 for Victory Mitsubishi?</p> <p>18 A. I don't know.</p> <p>19 Q. And who is Diane Argyropoulos?</p> <p>20 MR. GOODMAN: Object to</p> <p>21 form.</p> <p>22 A. To my understanding, she is the</p> <p>23 owner of Victory Mitsubishi.</p> <p>24 Q. And is she a manager at Victory</p> <p>25 Mitsubishi as well?</p>	<p style="text-align: right;">Page 84</p> <p>1 Yessica K. Vallejo</p> <p>2 instructions as to how to do your work at</p> <p>3 Victory Mitsubishi?</p> <p>4 A. No.</p> <p>5 Q. How often do you see Diane at</p> <p>6 Victory Mitsubishi?</p> <p>7 A. Maybe once a month, every two</p> <p>8 months.</p> <p>9 Q. And --</p> <p>10 A. I don't see her often.</p> <p>11 Q. And what is she coming in to do?</p> <p>12 MR. GOODMAN: Object to</p> <p>13 form.</p> <p>14 A. I don't know.</p> <p>15 Q. Does she have an office at the</p> <p>16 dealership?</p> <p>17 A. I don't know. Not on the sales</p> <p>18 floor. Remember, I am only in the sales</p> <p>19 floor, so...</p> <p>20 Q. You don't know what happens in the</p> <p>21 back office?</p> <p>22 A. I don't know. I don't know, you</p> <p>23 know, how it is. They owners, so -- she is</p> <p>24 an owner. I don't know.</p> <p>25 Q. How did the way that Victory</p>

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<p style="text-align: right;">Page 85</p> <p>1 Yessica K. Vallejo</p> <p>2 Mitsubishi did business change during the</p> <p>3 COVID-19 pandemic?</p> <p>4 A. The only thing that I can tell you</p> <p>5 that we changed is that we were working only</p> <p>6 by appointment, appointment only, and, of</p> <p>7 course, we applied the COVID-19 protocols,</p> <p>8 you know, of wearing the mask, using the</p> <p>9 glass protector, you know, I mean, to protect</p> <p>10 consumer, customer, and also to protect us</p> <p>11 because we were working in middle of</p> <p>12 pandemic, you know, we all have family at</p> <p>13 home and, you know, we were taking the -- we</p> <p>14 were -- basically, we were following the CDC</p> <p>15 guidelines. But the way we do business was</p> <p>16 the same way. The only thing is that we work</p> <p>17 only by appointment.</p> <p>18 Q. And did you have one of these glass</p> <p>19 protectors in your office?</p> <p>20 A. Yes.</p> <p>21 Q. And when you had consumers in your</p> <p>22 office, would you ever ask them to pull down</p> <p>23 their mask?</p> <p>24 A. Sometimes.</p> <p>25 Q. And when would you ask them to do</p>	<p style="text-align: right;">Page 87</p> <p>1 Yessica K. Vallejo</p> <p>2 by appointment only?</p> <p>3 A. I don't recall.</p> <p>4 Q. Was it at least until the end of</p> <p>5 2020?</p> <p>6 A. I really don't recall, to be very</p> <p>7 honest with you, because I am not the one</p> <p>8 that made those calls, you know, those are</p> <p>9 made by my supervisor, which is Stavros. So</p> <p>10 I don't know how long they implied that. I</p> <p>11 don't know. I, honestly, don't know.</p> <p>12 Q. Okay. Was it still by appointment</p> <p>13 only on June 29, 2020?</p> <p>14 A. I don't know.</p> <p>15 Q. During this time when it was</p> <p>16 appointment only, who would be the first</p> <p>17 person at Victory Mitsubishi that a customer</p> <p>18 would talk to when they came in to buy a</p> <p>19 vehicle?</p> <p>20 MR. GOODMAN: Object to</p> <p>21 form.</p> <p>22 A. It would be probably the sales</p> <p>23 manager or the salesperson.</p> <p>24 Q. Okay. And when would they have the</p> <p>25 consumer fill out a credit application?</p>
<p style="text-align: right;">Page 86</p> <p>1 Yessica K. Vallejo</p> <p>2 that?</p> <p>3 A. If I look at the ID and I can't</p> <p>4 somehow, you know, believe that the person on</p> <p>5 the ID doesn't look like the person in front</p> <p>6 of me. But usually that process, that</p> <p>7 verification process is done with the sales</p> <p>8 manager outside my office.</p> <p>9 Q. And that process didn't change</p> <p>10 during the COVID-19 pandemic; is that</p> <p>11 correct?</p> <p>12 A. No, it was the same process since I</p> <p>13 start working there.</p> <p>14 Q. Okay. And so when the shutdown</p> <p>15 order was given at the beginning of the</p> <p>16 COVID-19 pandemic, were you laid off at any</p> <p>17 point, even temporarily?</p> <p>18 A. When they shut off all the</p> <p>19 businesses, yeah, we were closed down, I</p> <p>20 believe, yeah.</p> <p>21 Q. And by May 30 of 2020, you were</p> <p>22 operating by appointment only; is that</p> <p>23 correct?</p> <p>24 A. That is correct.</p> <p>25 Q. And how long would you be working</p>	<p style="text-align: right;">Page 88</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Object to</p> <p>3 form, but go ahead.</p> <p>4 A. I mean, I don't know, to be honest</p> <p>5 with you. Probably what I believe is after</p> <p>6 the customer sees the car they looking for,</p> <p>7 test drive, look at it, make sure they like</p> <p>8 it, if they ready to apply for financing,</p> <p>9 ready to buy, they love the car, they want</p> <p>10 the car, then, they move on to the next</p> <p>11 process, which is fill that credit</p> <p>12 application.</p> <p>13 Q. Would you ever help a customer fill</p> <p>14 out a credit application?</p> <p>15 A. No.</p> <p>16 Q. Once a customer has filled a credit</p> <p>17 application, that information is used to pull</p> <p>18 the customer's credit report; is that</p> <p>19 correct?</p> <p>20 A. That is correct. If it's signed</p> <p>21 and dated, yes.</p> <p>22 Q. And I think you may have said this</p> <p>23 before, but would you ever be the one to pull</p> <p>24 the credit report with the information from</p> <p>25 the credit application?</p>

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<p style="text-align: right;">Page 89</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Objection to</p> <p>3 form. Go ahead.</p> <p>4 A. Usually, it's David. It was, I</p> <p>5 mean, one of the sales managers, David or</p> <p>6 Stavros. But I could pull credit too, if</p> <p>7 it's necessary.</p> <p>8 Q. When you say, "if it was</p> <p>9 necessary," would that be, if, you know,</p> <p>10 Stavros and David are busy with other</p> <p>11 customers, and they need someone else to pull</p> <p>12 the credit report, in a situation like that,</p> <p>13 would you be the one pulling the credit</p> <p>14 report?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Would you do that through</p> <p>17 Deal Tracker, correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Would there be a record on Deal</p> <p>20 Tracker showing that a credit report was</p> <p>21 pulled?</p> <p>22 A. Yes.</p> <p>23 Q. And would it show the date and time</p> <p>24 that the credit report was pulled?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 91</p> <p>1 Yessica K. Vallejo</p> <p>2 Mitsubishi.</p> <p>3 Q. Okay. And if a consumer's credit</p> <p>4 report was pulled, and that consumer had no</p> <p>5 credit history, what would happen?</p> <p>6 MR. GOODMAN: Objection to</p> <p>7 form; go ahead.</p> <p>8 A. What would happen with what</p> <p>9 specific -- I mean, with what?</p> <p>10 Q. Well, what would happen in the</p> <p>11 process of the sale?</p> <p>12 A. I mean, we go along with the sale.</p> <p>13 It doesn't matter if you have credit or no</p> <p>14 credits. We still have lenders that can</p> <p>15 approve your loan with credit or not credit.</p> <p>16 The only reason if we did not move forward</p> <p>17 with that sale is because the customer didn't</p> <p>18 like the car, didn't like the vehicle, per se</p> <p>19 so if the customer doesn't like the car,</p> <p>20 there's no reason for us to submit my loan to</p> <p>21 the bank because the customer doesn't want to</p> <p>22 buy.</p> <p>23 MR. GOODMAN: Just try to</p> <p>24 answer the question that she's</p> <p>25 asking.</p>
<p style="text-align: right;">Page 90</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. And as far as you're aware, the</p> <p>3 date and time shown would be accurate,</p> <p>4 correct?</p> <p>5 MR. GOODMAN: Object to</p> <p>6 form.</p> <p>7 A. There's no way for me to know if</p> <p>8 it's accurate because it's a system that's a</p> <p>9 platform. It could have -- I mean, there</p> <p>10 could be any errors. They work on eastern</p> <p>11 time, I believe. I mean, they not even in</p> <p>12 New York. So maybe the timing might be</p> <p>13 incorrect. I mean, it could be anything. I</p> <p>14 cannot tell you 100 percent that it's</p> <p>15 accurate. That I cannot do.</p> <p>16 Q. Okay, sure. But when you have</p> <p>17 pulled a credit report, do you ever recall</p> <p>18 the time and the date shown for the credit</p> <p>19 pull to be inaccurate?</p> <p>20 MR. GOODMAN: Object to</p> <p>21 form.</p> <p>22 A. I don't know. I never had to go</p> <p>23 back and double-check timing and dating for</p> <p>24 any credit pull that I have done, in the</p> <p>25 years that I have been working at Victory</p>	<p style="text-align: right;">Page 92</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. So if a consumer has no credit</p> <p>3 history, would that change the way that you,</p> <p>4 for example, submit a credit application?</p> <p>5 A. Absolutely not. Everybody gets</p> <p>6 treated the same way. Every application gets</p> <p>7 worked the same exact way.</p> <p>8 Q. If two consumers were applying</p> <p>9 together, if there's a co-applicant for the</p> <p>10 credit application, and one of the consumers</p> <p>11 had no credit history, would you ever advise</p> <p>12 the other consumer to apply for credit by</p> <p>13 themselves?</p> <p>14 A. No.</p> <p>15 Q. And if a consumer had no credit</p> <p>16 history, would you ever advise them that they</p> <p>17 may be able to obtain more favorable</p> <p>18 financing options by getting a co-applicant?</p> <p>19 A. No.</p> <p>20 Q. Would the sales manager ever advise</p> <p>21 a consumer to do that?</p> <p>22 MR. GOODMAN: Form.</p> <p>23 A. I don't know.</p> <p>24 Q. Have you ever advised a consumer to</p> <p>25 get a co-applicant to obtain more favorable</p>

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1 Yessica K. Vallejo
 2 financing?
 3 MR. GOODMAN: Objection to
 4 the form; go ahead.
 5 A. No.
 6 Q. And if a consumer had a
 7 co-applicant's information, their driver's
 8 license, and their social security number,
 9 you would pull that co-applicant's credit
 10 report as well, correct?
 11 MR. GOODMAN: Object to
 12 form.
 13 A. No.
 14 Q. Why not?
 15 A. Because if you go to the dealership
 16 with somebody else's information, and that
 17 person is not there, we not going to pull
 18 their credit. That's illegal.
 19 Q. Okay. But in May of 2020, pandemic
 20 is going on and you are only able to see
 21 consumers by appointment, during this time,
 22 customer might not want to have to leave and
 23 go get co-applicant to come in person -- so
 24 did any consumers ask you to pull the credit
 25 report for a co-applicant?

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1 Yessica K. Vallejo
 2 MR. GOODMAN: Object to
 3 form; go ahead.
 4 A. No.
 5 Q. A consumer had a co-applicant's
 6 permission to pull a credit report, but the
 7 co-applicant was not present at the
 8 dealership, could you pull the credit report
 9 then?
 10 MR. GOODMAN: Object to
 11 form.
 12 A. Absolutely not. That's illegal.
 13 You can't do that.
 14 Q. Video recordings are made of the
 15 sales at the dealership, correct?
 16 MR. GOODMAN: Objection; go
 17 ahead.
 18 A. I don't know. Are they? I don't
 19 know.
 20 Q. Are there video cameras at Victory
 21 Mitsubishi?
 22 A. Yes, there are.
 23 Q. And where are there video cameras
 24 at Victory Mitsubishi?
 25 A. All over the dealership, except the

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1 Yessica K. Vallejo
 2 bathroom.
 3 Q. So there's a video camera in your
 4 office; is that correct?
 5 A. That is correct.
 6 Q. And do you control that camera in
 7 your office?
 8 A. No.
 9 MR. GOODMAN: Object.
 10 Q. Who does control that camera?
 11 MR. GOODMAN: Object to the
 12 form.
 13 A. I don't know.
 14 Q. Has anyone ever come into your
 15 office to turn the camera on and off or
 16 adjust it in any way?
 17 A. No.
 18 Q. Has anyone ever come into your
 19 office to do repairs on the camera?
 20 MR. GOODMAN: Object to
 21 form.
 22 A. Not on my presence, so I don't
 23 know.
 24 Q. And what happens to the video
 25 footage captured by that camera?

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1 Yessica K. Vallejo
 2 A. I don't know. I don't control
 3 that.
 4 Q. But you have access to that
 5 footage, correct?
 6 A. No.
 7 Q. Who does have access to that
 8 footage?
 9 A. I don't know.
 10 MR. GOODMAN: Let her
 11 finish.
 12 Q. We talked earlier about how
 13 different lenders have different requirements
 14 for credit applications, correct?
 15 A. Correct.
 16 Q. And do any lenders require video
 17 recordings as one of their requirements for
 18 credit applications?
 19 A. Not the lenders that I work with,
 20 no.
 21 Q. Okay. Has there ever been identity
 22 theft at Victory Mitsubishi while you have
 23 been working there?
 24 MR. GOODMAN: Object to
 25 form.

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1 Yessica K. Vallejo
 2 A. No.
 3 Q. Have you ever spoken with any
 4 police officers while working at Victory
 5 Mitsubishi?
 6 A. No.
 7 Q. Has a consumer ever told you that a
 8 vehicle was sold or financed in their name
 9 without their authorization?
 10 A. No.
 11 Q. Okay.
 12 MS. CATHERINE: I think now
 13 might be a good time to break for
 14 lunch, if that's something you want
 15 to do.
 16 MR. GOODMAN: Yes, that is
 17 something we want to do.
 18 MS. CATHERINE: How long
 19 would you like for lunch, Ms.
 20 Vallejo?
 21 THE WITNESS: Two hours.
 22 MR. GOODMAN: I am trying to
 23 tell her two o'clock.
 24 THE WITNESS: Sorry, I can't
 25 be doing this around three o'clock.

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1 Yessica K. Vallejo
 2 That's the time my son get out of
 3 school, so I have to make sure he
 4 gets home safe.
 5 MR. GOODMAN: So what I hear
 6 her saying is that at around three
 7 o'clock, we need to take a break.
 8 THE WITNESS: I can't be
 9 doing this around three o'clock.
 10 MS. CATHERINE: For how long?
 11 THE WITNESS: For, like,
 12 half-hour.
 13 MR. GOODMAN: She needs
 14 half-hour break.
 15 THE WITNESS: Three o'clock,
 16 that's correct.
 17 MR. GOODMAN: We will have
 18 to stop from three to three-thirty.
 19 Let's take a shorter break now, if
 20 that makes sense.
 21 MS. CATHERINE: As long as
 22 that gives us enough time to have
 23 lunch. Ms. Vallejo, it's really up
 24 to you.
 25 MR. GOODMAN: Let's come

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1 Yessica K. Vallejo
 2 back at ten to two. That's
 3 half-hour, basically.
 4 THE WITNESS: I mean, you
 5 guys want to stop now for
 6 half-hour?
 7 MS. CATHERINE: Yeah.
 8 THE WITNESS: That's fine
 9 with me.
 10 MS. CATHERINE: Okay.
 11 (Whereupon, a lunch recess
 12 was taken at 1:23 p.m.)
 13 (Time noted: 1:55 p.m.)
 14 BY MS. CATHERINE:
 15 Q. Ms. Vallejo, you said you used your
 16 personal cell phone sometimes to contact
 17 customers at Victory Mitsubishi; is that
 18 correct?
 19 A. Sometimes. Very few times.
 20 Q. And what is your cell phone number?
 21 MR. GOODMAN: Okay, I will
 22 object. I will take it under
 23 advisement, and we'll -- if we
 24 produce it, it will be off the
 25 record.

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1 Yessica K. Vallejo
 2 MS. CATHERINE: If she is
 3 using it in the course of the
 4 dealership, I think I am entitled
 5 to it.
 6 MR. GOODMAN: No, you have
 7 no foundation that it has anything
 8 to do with this case. There are
 9 questions you could ask about that.
 10 I will not go further.
 11 THE WITNESS: I never say
 12 that I use my phone for this
 13 particular transaction.
 14 MR. GOODMAN: Just let her
 15 ask the questions.
 16 Q. Do you use the same phone number in
 17 May of 2020, as you use today?
 18 A. No.
 19 Q. And when did it change?
 20 MR. GOODMAN: We're talking
 21 about your personal -- her personal
 22 cell phone number?
 23 MS. CATHERINE: Yeah, her
 24 personal cell phone number.
 25 A. I think I changed companies, like,

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<p style="text-align: right;">Page 101</p> <p>1 Yessica K. Vallejo</p> <p>2 maybe two years ago. And then that's how I</p> <p>3 changed my number.</p> <p>4 Q. Okay. And who was your cell phone</p> <p>5 provider in May of 2020?</p> <p>6 A. I don't remember.</p> <p>7 Q. And who did your cell phone</p> <p>8 provider change to?</p> <p>9 A. Right now I have AT&T.</p> <p>10 Q. Okay. And that change happened</p> <p>11 sometime in 2020?</p> <p>12 A. I think I changed companies two</p> <p>13 years ago.</p> <p>14 Q. So around November or December of</p> <p>15 2020?</p> <p>16 A. I don't recall.</p> <p>17 Q. And have you ever sent text</p> <p>18 messages in connection with your work?</p> <p>19 A. No.</p> <p>20 Q. You previously testified that you</p> <p>21 don't have any personal recollection of Ms.</p> <p>22 Francois' account; is that correct?</p> <p>23 MR. GOODMAN: Object to the</p> <p>24 form; go ahead.</p> <p>25 A. Did -- repeat that question,</p>	<p style="text-align: right;">Page 103</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Sorry, could you please clarify?</p> <p>3 A. Okay, what I am trying to explain</p> <p>4 to you is, if during that particular</p> <p>5 transaction there would have been any red</p> <p>6 flags, the transaction would have never been</p> <p>7 completed. But I need to understand what is</p> <p>8 that you are trying to imply. Like what is</p> <p>9 that that you are telling me that went wrong</p> <p>10 with the transaction, per se?</p> <p>11 Q. Well, I am trying -- what I would</p> <p>12 like to know is -- I am not asking -- not yet</p> <p>13 -- about what happened during the</p> <p>14 transaction. I am just asking you what you</p> <p>15 remember.</p> <p>16 A. About what it is specific?</p> <p>17 Q. About the whole transaction.</p> <p>18 A. I sit down with a hundred, plus,</p> <p>19 customers a month. It's -- I am not going to</p> <p>20 tell you here, "I sit down," and tell you</p> <p>21 that I remember exactly what happened. Based</p> <p>22 on the process, our training, the procedures</p> <p>23 that we have, I can tell you. I can talk to</p> <p>24 you about the transaction, based on that.</p> <p>25 Because it's the same repetitive procedure</p>
<p style="text-align: right;">Page 102</p> <p>1 Yessica K. Vallejo</p> <p>2 please.</p> <p>3 Q. Sure. Do you remember anything</p> <p>4 about Ms. Francois' account?</p> <p>5 MR. GOODMAN: Object to</p> <p>6 form; go ahead.</p> <p>7 A. No, I don't have fully recollection</p> <p>8 of it. It was just a regular deal with no</p> <p>9 hiccups, no red flags, to my knowledge.</p> <p>10 Q. When you say, "it was a regular</p> <p>11 deal with no red flags," to your knowledge,</p> <p>12 are you referring -- are you saying that</p> <p>13 based open your review of the documents?</p> <p>14 A. I am saying that based on that in</p> <p>15 the -- in the -- if there would be any red</p> <p>16 flags about that deal, the deal would have</p> <p>17 never happened. So I don't recall any issues</p> <p>18 with the transaction whatsoever. At all.</p> <p>19 Q. So if I understand you correctly,</p> <p>20 you are saying, if there had been any red</p> <p>21 flags in the transaction, that would have</p> <p>22 been something memorable; is that correct?</p> <p>23 MR. GOODMAN: Object to</p> <p>24 form.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 104</p> <p>1 Yessica K. Vallejo</p> <p>2 for every single customer. So on that</p> <p>3 transaction, there was no red flags at all</p> <p>4 whatsoever. So that's why I am telling you,</p> <p>5 it was a simple, regular transaction</p> <p>6 purchasing a -- customer purchasing a</p> <p>7 vehicle. That's it.</p> <p>8 Q. And when you say, there are "no red</p> <p>9 flags," that's based on your review of the</p> <p>10 deal jacket, correct?</p> <p>11 A. That's based on my memory and</p> <p>12 reviewing the deal jacket, yes.</p> <p>13 Q. Well, what is your memory of that?</p> <p>14 A. That the customer came in to buy a</p> <p>15 car and they bought a car.</p> <p>16 Q. And what who do you mean by, "the</p> <p>17 customer"?</p> <p>18 A. The customer.</p> <p>19 Q. What's their name?</p> <p>20 A. The person that purchased the</p> <p>21 vehicle. The person in -- in question. The</p> <p>22 reason because we're here right now.</p> <p>23 Q. Do you remember their name?</p> <p>24 A. Her name is Farah Francois.</p> <p>25 Q. Okay, so you remember Ms. Francois</p>

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 2 coming into the dealership; is that correct?
 3 A. I don't remember, per se, her
 4 coming into the dealership, but there was a
 5 person there. It was a person in the office.
 6 If it was not her, it was somebody trying to
 7 imperson [sic] her, but it was definitely
 8 somebody there.
 9 Q. Well, I guess I am a little bit
 10 confused. What exactly do you remember
 11 happening on May 30, 2020?
 12 A. There was a person there buying a
 13 vehicle, and they bought the vehicle, and
 14 they went home with their vehicle.
 15 Q. Just one person?
 16 A. It was her and her brother, as they
 17 call each other, buying a car.
 18 Q. Was there anyone else?
 19 A. No.
 20 Q. Was that the first time you had
 21 ever seen Farah Jean Francois?
 22 A. Yes.
 23 Q. And that was May 30, correct?
 24 A. That was the first time that they
 25 went to the dealership.

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1 Yessica K. Vallejo
 2 Q. And what do you remember about
 3 that?
 4 MR. GOODMAN: Object to
 5 form.
 6 A. Nothing in particular. Like I
 7 said, it was just another transaction during
 8 the day, and customer purchase a vehicle, and
 9 went home with their vehicle.
 10 Q. Did you talk to her?
 11 A. I talk to her, I believe, if it was
 12 her, or whoever was trying to imperson [sic]
 13 her.
 14 Q. Sure, let's leave aside the issue
 15 right now about whether it was her or whether
 16 it was someone trying to impersonate her.
 17 Did you speak with that person?
 18 A. That person was definitely in my
 19 office because I cannot sell a vehicle to
 20 somebody that is not there. So...
 21 Q. I understand.
 22 A. Yes.
 23 Q. Sorry, go ahead.
 24 A. If it wasn't her, it was somebody
 25 else trying to imperson [sic] her. That I

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1 Yessica K. Vallejo
 2 can assure you.
 3 Q. Sure. I understand what the
 4 policies are, as you have -- as you have
 5 stated them. What I am asking is, is if you
 6 remember talking to her, not whether you knew
 7 you would have talked to her.
 8 But do you, specifically, remember
 9 talking to her?
 10 A. I, specifically, don't recall the
 11 sale. But if they purchased a car, and I was
 12 the finance manager, it was somebody there.
 13 That I can assure you.
 14 Q. Sure. So you wouldn't remember
 15 what was, specifically, said on that day,
 16 correct?
 17 A. No, but based on how sales go, you
 18 already know what we discuss. We discuss the
 19 basics of what the finance manager does when
 20 they have the customer in front of them.
 21 Q. And what do you remember about her
 22 voice?
 23 A. I do not recall her voice. That
 24 was over two years ago.
 25 Q. And do you remember who was in your

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 2 office when she came into your office?
 3 A. There was a lady and it was a male.
 4 Q. Was there anyone else who worked at
 5 Victory Mitsubishi, in your office, when they
 6 came in?
 7 A. No.
 8 Q. And how would you describe her?
 9 A. I cannot describe her.
 10 Q. Okay. Could you describe the man
 11 who was with her?
 12 A. I cannot describe them.
 13 Q. Do you remember anything about them
 14 -- the color of their hair, or their race, or
 15 height?
 16 A. I remember they were both African
 17 American.
 18 Q. Do you remember if they were dark
 19 skinned or light skinned?
 20 A. No.
 21 MR. GOODMAN: Object to the
 22 form; go ahead.
 23 Q. Do you remember anything about
 24 their -- the way they wore their hair?
 25 A. Sorry, repeat the question.

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<p style="text-align: right;">Page 109</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Do you remember anything about the</p> <p>3 way they wore their hair?</p> <p>4 A. No.</p> <p>5 Q. Do you remember if they wore</p> <p>6 glasses?</p> <p>7 A. No.</p> <p>8 Q. And on May 30, 2020, they would</p> <p>9 have been wearing masks, correct?</p> <p>10 A. That is correct.</p> <p>11 Q. Do you remember what the mask they</p> <p>12 were wearing looked like?</p> <p>13 A. No.</p> <p>14 Q. Do you remember if you asked them</p> <p>15 to pull down their mask?</p> <p>16 A. No.</p> <p>17 Q. Do you remember if the man had any</p> <p>18 facial hair?</p> <p>19 A. No.</p> <p>20 Q. And you were not involved with the</p> <p>21 transaction until they came into your office;</p> <p>22 is that correct?</p> <p>23 A. That is correct.</p> <p>24 Q. And were they brought into your</p> <p>25 office by someone else at Victory Mitsubishi?</p>	<p style="text-align: right;">Page 111</p> <p>1 Yessica K. Vallejo</p> <p>2 Ms. Francois fill out the credit application?</p> <p>3 A. No.</p> <p>4 Q. Do you remember if Mr. LaForest was</p> <p>5 approved or denied for any financing?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you remember if it was</p> <p>8 Mr. LaForest or Ms. Francois who handed you</p> <p>9 the down payment for the vehicle?</p> <p>10 MR. GOODMAN: Object to the</p> <p>11 form.</p> <p>12 A. I already told you I don't handle</p> <p>13 down payments, the sales managers do.</p> <p>14 Q. I see. So it was David Perez who</p> <p>15 took the down payment; is that correct?</p> <p>16 MR. GOODMAN: Object to</p> <p>17 form.</p> <p>18 A. I can't exactly recall who did. I</p> <p>19 can tell you it was not me.</p> <p>20 Q. Okay. But based on the general</p> <p>21 practice --</p> <p>22 A. Yes. Correct.</p> <p>23 MR. GOODMAN: Let her</p> <p>24 finish.</p> <p>25 Q. Yeah, sorry. Let me finish the</p>
<p style="text-align: right;">Page 110</p> <p>1 Yessica K. Vallejo</p> <p>2 A. Yeah, by the sales manager, David.</p> <p>3 Q. And you remember David bringing</p> <p>4 them in, or is that based on your review of</p> <p>5 the documents?</p> <p>6 A. Usually the sales manager that</p> <p>7 works the deal is the one that brings them to</p> <p>8 the office.</p> <p>9 Q. So it's based on your understanding</p> <p>10 of how things usually work at Victory</p> <p>11 Mitsubishi; is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Okay. Do you remember who the</p> <p>14 first person at Victory Mitsubishi to speak</p> <p>15 with Mr. LaForest was?</p> <p>16 A. No, I don't recall.</p> <p>17 Q. Did you look at the credit</p> <p>18 application filled out by Mr. LaForest?</p> <p>19 A. Yes, I did.</p> <p>20 Q. And when did you look at it?</p> <p>21 A. When it was handed to me by David.</p> <p>22 Q. Was that before or after they were</p> <p>23 brought into your office?</p> <p>24 A. Before.</p> <p>25 Q. And did you see Mr. LaForest or</p>	<p style="text-align: right;">Page 112</p> <p>1 Yessica K. Vallejo</p> <p>2 question, first.</p> <p>3 Based on the general practice where</p> <p>4 the sales manager takes the down payment, you</p> <p>5 think it would have been David Perez,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. And do you remember if it was</p> <p>9 Emanuel LaForest or Ms. Francois who handed</p> <p>10 David Perez the down payment?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you remember them being given a</p> <p>13 receipt for the down payment?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you remember printing a buyer's</p> <p>16 order and retail installment contract for the</p> <p>17 sale of the vehicle?</p> <p>18 A. Yes, I do. I probably did. That's</p> <p>19 -- that's what my job is.</p> <p>20 Q. Sorry, you said you "probably did."</p> <p>21 Do you remember or do you just</p> <p>22 think that you probably did?</p> <p>23 A. I can tell you that I did because</p> <p>24 that's my job. That's why they were in my</p> <p>25 office for.</p>

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<p style="text-align: right;">Page 113</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. You would have printed them buyer's</p> <p>3 order and retail installment contract on May</p> <p>4 30, 2020, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And financing was secured for the</p> <p>7 vehicle, correct?</p> <p>8 A. Financing is not secured until the</p> <p>9 bank pays you.</p> <p>10 Q. I see. Let me rephrase.</p> <p>11 Was conditional approval obtained</p> <p>12 from a lender on May 30, 2020?</p> <p>13 MR. GOODMAN: Object to the</p> <p>14 form.</p> <p>15 A. Correct.</p> <p>16 Q. And do you remember which lender</p> <p>17 that was from?</p> <p>18 A. Yes.</p> <p>19 Q. Which lender?</p> <p>20 A. Capital One.</p> <p>21 Q. Is that based on your review of the</p> <p>22 documents, or do you have an independent</p> <p>23 recollection of that?</p> <p>24 A. That was based on my review of the</p> <p>25 documents.</p>	<p style="text-align: right;">Page 115</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. And they left Victory Mitsubishi</p> <p>3 with the vehicle on May 30, correct?</p> <p>4 MR. GOODMAN: Object to the</p> <p>5 form; go ahead.</p> <p>6 A. I can't recall, to be honest with</p> <p>7 you. But if the paperwork is dated for that</p> <p>8 day, I am assuming they did.</p> <p>9 Q. So you don't know what time they</p> <p>10 left Victory Mitsubishi, correct?</p> <p>11 A. No, because that sale happened</p> <p>12 almost three years ago.</p> <p>13 MR. GOODMAN: "Yes," it's</p> <p>14 correct you don't know?</p> <p>15 THE WITNESS: I don't</p> <p>16 remember.</p> <p>17 MR. GOODMAN: Okay.</p> <p>18 Q. And this was the only time that</p> <p>19 Mr. LaForest came into Victory Mitsubishi,</p> <p>20 correct?</p> <p>21 A. No.</p> <p>22 Q. When else did he come into the</p> <p>23 dealership?</p> <p>24 A. They came back to resign.</p> <p>25 Q. What do you mean by that, "resign"?</p>
<p style="text-align: right;">Page 114</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Okay. And do you remember what</p> <p>3 documents were given to Emanuel LaForest that</p> <p>4 day?</p> <p>5 A. Documents were given to the</p> <p>6 customer, the person who purchased the</p> <p>7 vehicle.</p> <p>8 Q. Okay.</p> <p>9 A. And, yes, contract, buyer's order,</p> <p>10 purchase agreement, warranty contract, car</p> <p>11 fax odometer disclosure, and that's it. The</p> <p>12 standard.</p> <p>13 Q. Sorry?</p> <p>14 A. The same document -- every document</p> <p>15 they sign, usually we make copy of everything</p> <p>16 and we give it to the customer for their</p> <p>17 records.</p> <p>18 Q. So you know that those documents</p> <p>19 were given because they are always given,</p> <p>20 rather than you having a personal</p> <p>21 recollection of them being given; is that</p> <p>22 correct?</p> <p>23 A. Correct, they always given.</p> <p>24 Q. Okay. Okay.</p> <p>25 A. To every customer.</p>	<p style="text-align: right;">Page 116</p> <p>1 Yessica K. Vallejo</p> <p>2 A. There was something -- I don't -- I</p> <p>3 can't recollect, exactly, the reason, but</p> <p>4 they came back to the dealership on the 29 of</p> <p>5 June.</p> <p>6 Q. Okay. And I know you said you</p> <p>7 can't recall exactly the reason, but</p> <p>8 generally, what did they come back to the</p> <p>9 dealership to do?</p> <p>10 A. It could be any reason. I just</p> <p>11 don't recall exactly the reason, because they</p> <p>12 had to resign. But they did come back</p> <p>13 because paperwork is dated for 6/29. Even if</p> <p>14 we got approval on 30, they came back to</p> <p>15 resign on that date.</p> <p>16 Q. I see. So because the documents</p> <p>17 are dated June 29, 2020, it's your</p> <p>18 understanding that they returned to the</p> <p>19 dealership on that date, correct?</p> <p>20 A. Yes, that was the date we finalized</p> <p>21 the paperwork.</p> <p>22 Q. So it wasn't finalized on May 30,</p> <p>23 2020?</p> <p>24 MR. GOODMAN: Object to the</p> <p>25 form; go ahead.</p>

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<p style="text-align: right;">Page 117</p> <p>1 Yessica K. Vallejo</p> <p>2 A. Yes, it could be that it was</p> <p>3 finalized that day, but like I told you, they</p> <p>4 came back to resign for a reason that I don't</p> <p>5 recall exactly, but they did come back to the</p> <p>6 dealership.</p> <p>7 Q. During the COVID-19 pandemic, did</p> <p>8 Capital One ask you to have any consumers</p> <p>9 return to the dealership to resign documents</p> <p>10 for the sale of a vehicle?</p> <p>11 A. It could be. The pandemic affected</p> <p>12 a lot of things in the car business or car</p> <p>13 industry, per se. The book values were going</p> <p>14 up and down, you know, sometimes the</p> <p>15 structure of the deal changes, the down</p> <p>16 payment, the customer probably, you know,</p> <p>17 change the down payment. That changes the</p> <p>18 structure of the deal. So it could be any</p> <p>19 reason for the customer to have to come back</p> <p>20 to the dealership and they resign a final</p> <p>21 contract. Which is something completely</p> <p>22 normal.</p> <p>23 Q. Okay. So you say that "could have</p> <p>24 happened," but do you have any memory of</p> <p>25 Capital One, specifically, telling you to do</p>	<p style="text-align: right;">Page 119</p> <p>1 Yessica K. Vallejo</p> <p>2 form; go ahead.</p> <p>3 A. No.</p> <p>4 Q. Okay. And, generally, when a</p> <p>5 consumer needs to resign documents, what</p> <p>6 documents are they resigning?</p> <p>7 A. Everything. The loan contract,</p> <p>8 bill of sale, and buyer's order.</p> <p>9 Q. What about credit application?</p> <p>10 A. If there's any change on employment</p> <p>11 or, the customer change their residency or</p> <p>12 their phone number, then, you resign a credit</p> <p>13 application. If everything stated by</p> <p>14 customer on the credit application is still</p> <p>15 the same, there's no need to resign a new</p> <p>16 credit application. Sometimes if you</p> <p>17 changing the date, the date of the deal</p> <p>18 changes because the customer signing on a</p> <p>19 different date, then, you resign a credit</p> <p>20 application, but you don't make no change in</p> <p>21 the credit application without the</p> <p>22 customers's approval, or customer telling you</p> <p>23 that there's been a change in that period of</p> <p>24 time.</p> <p>25 Q. Okay. And if a consumer told you</p>
<p style="text-align: right;">Page 118</p> <p>1 Yessica K. Vallejo</p> <p>2 that during the pandemic?</p> <p>3 MR. GOODMAN: Object to the</p> <p>4 form. I lost the thread here. Go</p> <p>5 ahead, if you understand it.</p> <p>6 A. Like I said, it's something that</p> <p>7 can happen not only with Capital One, with</p> <p>8 any lender. If there's any reason, even if</p> <p>9 misspell on name, you have to resign a</p> <p>10 contract. So it could be anything.</p> <p>11 Q. Sure.</p> <p>12 A. Remember, these are approvals with</p> <p>13 stipulations. Lender have the final -- the</p> <p>14 final say in the deals. We were not the</p> <p>15 lender. You understand? So we don't make</p> <p>16 any calls, any judgment calls, none of that.</p> <p>17 Everything we got to by what the lender says.</p> <p>18 Q. Sure. But do you have any memory</p> <p>19 of Capital One contacting you by e-mail, or</p> <p>20 letter, or by phone saying, "Hey, you need</p> <p>21 all of the customers who have received</p> <p>22 financing through us for vehicles to come</p> <p>23 back in and resign documents?" Do you</p> <p>24 remember anything like that?</p> <p>25 MR. GOODMAN: Objection to</p>	<p style="text-align: right;">Page 120</p> <p>1 Yessica K. Vallejo</p> <p>2 that they got a raise at their job, for</p> <p>3 example, would that be a reason why you would</p> <p>4 fill out another credit application?</p> <p>5 A. Absolutely. Remember, the credit</p> <p>6 application is a document that the customer</p> <p>7 is stating states that that's the truth, that</p> <p>8 they read it and sign it. So everything</p> <p>9 written in credit application is being</p> <p>10 reviewed and signed by the consumer.</p> <p>11 Q. And if documents are being resigned</p> <p>12 for the sale of a vehicle, do you keep the</p> <p>13 original documents?</p> <p>14 A. The original document is been</p> <p>15 destroyed in front of the customer because</p> <p>16 that contract is not valid no longer. You</p> <p>17 cannot have two contracts for the same sale.</p> <p>18 So the last contract that the customer signs</p> <p>19 is final contract. All the other contracts</p> <p>20 have been destroyed. You can't have two</p> <p>21 contract for same sale.</p> <p>22 Q. And you don't keep any copy of</p> <p>23 those contracts, even with, for example, a</p> <p>24 stamp that says "void" on it?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 121</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Do you make any record or notation,</p> <p>3 for example, in Deal Tracker, that there was</p> <p>4 a resigning?</p> <p>5 A. Dealer Track has their -- it has</p> <p>6 their timing, and date in there. So I am</p> <p>7 assuming you guys pulled that information</p> <p>8 already.</p> <p>9 MR. GOODMAN: Don't assume.</p> <p>10 Just answer the question.</p> <p>11 Q. I am not sure if the question was</p> <p>12 answered.</p> <p>13 MS. CATHERINE: Could you</p> <p>14 read back the question?</p> <p>15 (Whereupon, the requested</p> <p>16 portion was read by the reporter.)</p> <p>17 THE WITNESS: That was not</p> <p>18 the question.</p> <p>19 MR. GOODMAN: That was the</p> <p>20 question. Answer that question.</p> <p>21 THE WITNESS: Yes, they</p> <p>22 resign.</p> <p>23 MR. GOODMAN: No, listen to</p> <p>24 the question and answer the</p> <p>25 question.</p>	<p style="text-align: right;">Page 123</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Did you submit any new credit</p> <p>3 applications for the vehicle in this case, on</p> <p>4 or around June 29, 2020?</p> <p>5 A. I don't recall.</p> <p>6 Q. Emanuel LaForest testified that he</p> <p>7 did not come back to the dealership on June</p> <p>8 29, 2020. Are you saying that he is lying?</p> <p>9 A. Yes, he is lying.</p> <p>10 Q. And why would he admit that he came</p> <p>11 to the dealership on May 30th, admit that he</p> <p>12 illegally purchased Mr. Francois' social</p> <p>13 security number, but then lie about returning</p> <p>14 to the dealership on June 29?</p> <p>15 MR. GOODMAN: Object to the</p> <p>16 form of the question.</p> <p>17 A. I don't know.</p> <p>18 Q. You don't have any idea?</p> <p>19 MR. GOODMAN: Object to the</p> <p>20 form.</p> <p>21 A. I have no type of relationship with</p> <p>22 this character. I wouldn't know.</p> <p>23 Q. Isn't the truth that no one came</p> <p>24 into the dealership on June 29th, and you</p> <p>25 made the signature for this allege resigning?</p>
<p style="text-align: right;">Page 122</p> <p>1 Yessica K. Vallejo</p> <p>2 THE WITNESS: Okay, I am not</p> <p>3 understanding the question.</p> <p>4 MR. GOODMAN: All right,</p> <p>5 Emma, can you maybe rephrase it?</p> <p>6 MS. CATHERINE: Sure.</p> <p>7 Q. So in Deal Tracker, would there be</p> <p>8 anything to show that the there had been</p> <p>9 documents resigned for a sale of a vehicle?</p> <p>10 A. I don't know.</p> <p>11 Q. Have you ever made a record or a</p> <p>12 notation, such as in Deal Tracker, or in the</p> <p>13 deal jacket, for the sale of a vehicle, that</p> <p>14 there was a resigning?</p> <p>15 A. No.</p> <p>16 Q. Have you ever sold a vehicle to a</p> <p>17 consumer, and then arranged financing for the</p> <p>18 vehicle, after the consumer had left Victory</p> <p>19 Mitsubishi with the vehicle?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 MR. GOODMAN: Objection</p> <p>23 form.</p> <p>24 A. Because you cannot leave with a car</p> <p>25 that you are not approved for.</p>	<p style="text-align: right;">Page 124</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Object to the</p> <p>3 form.</p> <p>4 A. That's absolutely not true. There</p> <p>5 was somebody there. He was there with her,</p> <p>6 or with the person that tried to imperson</p> <p>7 her. I would never put my job in jeopardy</p> <p>8 because of that. I would never sign a</p> <p>9 contract for no one, absolutely no one. I</p> <p>10 came to this country ten years ago looking</p> <p>11 for a better life. I am local citizen. I</p> <p>12 pay my taxes. I know my rights. I know the</p> <p>13 law. I follow the law, I know what's good</p> <p>14 and what was wrong. I would never ever sign</p> <p>15 a contract for no one. Absolutely no one. I</p> <p>16 don't care if nobody advise me to do it, I</p> <p>17 wouldn't do it, period.</p> <p>18 Q. And what proof do you have that</p> <p>19 Mr. LaForest was in the dealership on June</p> <p>20 29, 2020?</p> <p>21 A. What proof does he has that he</p> <p>22 wasn't there?</p> <p>23 MS. CATHERINE: Strike the</p> <p>24 nonresponsive answer to the</p> <p>25 question.</p>

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1 Yessica K. Vallejo
 2 Q. What proof do you have that
 3 Mr. LaForest was in the dealership on June
 4 29, 2020?
 5 A. If he wasn't there, she was there,
 6 or somebody trying to impersonate her. Because
 7 there's paperwork signed.
 8 Q. So you don't know if he was there
 9 on June 29th; is that correct?
 10 A. He drove off with the car. So he
 11 definitely -- if he wasn't there, she was
 12 there. They all -- they came together the
 13 first time. They live in the same house,
 14 their license have same address, they family
 15 members.
 16 MS. CATHERINE: Strike the
 17 nonresponsive answer to the
 18 question.
 19 Q. Do you remember if Mr. LaForest
 20 came to the dealership on June 29, 2020?
 21 MR. GOODMAN: Asked and
 22 answered. Object to the form; go
 23 ahead.
 24 A. Him, per se, I don't remember.
 25 Q. Okay. Do you remember Farah Jean

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1 Yessica K. Vallejo
 2 Francois coming to Victory Mitsubishi in
 3 September of 2020?
 4 A. September?
 5 Q. Uh-huh.
 6 A. That was after the sale.
 7 Q. Yes.
 8 A. I don't know.
 9 Q. Do you remember, in September of
 10 2020, Stavros Orsaris telling you that
 11 Ms. Francois had come into the dealership
 12 claiming that Mr. LaForest had purchased a
 13 vehicle in her name?
 14 A. I don't remember.
 15 Q. Do you remember Stavros Orsaris
 16 talking to you about any consumer who had a
 17 vehicle purchased in their name without their
 18 authorization?
 19 MR. GOODMAN: Object to
 20 form.
 21 A. No.
 22 Q. And if you had been the finance
 23 manager for the transaction, why did you not
 24 speak to Ms. Francois when she came in in
 25 September 2020 with questions about the

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1 Yessica K. Vallejo
 2 transaction?
 3 MR. GOODMAN: Object to the
 4 form of the question. That's all
 5 messed up, the question. Go ahead.
 6 A. Because Stavros is the general
 7 sales manager, so he the one that handle any
 8 customer issues, any complaint, or
 9 whatsoever. Remember, I work for the sales
 10 department, so that's -- that's not my role.
 11 Q. Sure. And so if a customer comes
 12 to Stavros with a complaint, and Stavros
 13 needs more information in order to answer the
 14 customer's questions, he might ask you or the
 15 sales manager involved with the sale about
 16 what happened; is that correct?
 17 MR. GOODMAN: Object to
 18 form.
 19 A. That is correct.
 20 Q. But you do not remember Stavros
 21 asking you any questions about the sale of
 22 this vehicle in September of 2020; is that
 23 correct?
 24 A. That is correct, I don't recall.
 25 Q. Do you remember Mr. LaForest

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1 Yessica K. Vallejo
 2 returning the vehicle to Victory Mitsubishi?
 3 A. No.
 4 Q. And who processed the unwinding of
 5 the deal for this vehicle?
 6 MR. GOODMAN: Object to
 7 form; go ahead.
 8 A. I don't know.
 9 Q. And I think I may have asked this
 10 before, so I apologize if I did, but if a
 11 deal is going to be unwound at the
 12 dealership, and you were the finance manager
 13 for that deal, would you be involved in the
 14 process of unwinding the deal?
 15 MR. GOODMAN: Object to
 16 form.
 17 A. No, that would be Stavros Orsaris.
 18 Q. Okay. Besides Stavros Orsaris,
 19 have you spoken to anyone at Victory
 20 Mitsubishi about this transaction?
 21 A. No.
 22 Q. Have you spoken with David Perez
 23 about this transaction?
 24 A. No.
 25 Q. Why does David Perez no longer work

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<p style="text-align: right;">Page 129</p> <p>1 Yessica K. Vallejo 2 for Victory Mitsubishi? 3 MR. GOODMAN: Object to the 4 form. 5 A. I don't know. 6 Q. What happened to the down payment 7 made by Emanuel LaForest? 8 A. I don't know. 9 Q. Did Victory Mitsubishi have an 10 internal investigation about this 11 transaction? 12 MR. GOODMAN: Object to 13 form. 14 A. You will have to ask Stavros 15 Orsaris. That's above my pay grade. 16 Q. But as far as you're aware, you are 17 not aware of any internal investigation about 18 this transaction at Victory Mitsubishi; is 19 that correct? 20 A. I don't know. 21 Q. Okay, so Ms. Vallejo -- am I saying 22 your name correctly? 23 A. Correct, yes. 24 Q. I studied French in high school, so 25 I always want to say two Ls, the French way,</p>	<p style="text-align: right;">Page 131</p> <p>1 Yessica K. Vallejo 2 European descent. 3 Q. Does he have, like, a light brown, 4 caramel-colored skin? 5 MR. GOODMAN: Object to 6 form. 7 A. I mean, you can say he is white, I 8 guess. He -- I don't know. He tans all the 9 time. I guess he is caramel, yeah. 10 Q. Okay. 11 THE WITNESS: Caramel. Am I 12 caramel? I don't know. 13 MR. GOODMAN: I don't know. 14 Don't ask me. 15 THE WITNESS: Sorry, I never 16 been asked to describe somebody's 17 -- I mean -- 18 Q. That's fine. It's a bit of an 19 unusual question. 20 A. -- somebody's physical appearance. 21 Q. I would like you to open Exhibit 22 21, what was previously marked as Exhibit 21. 23 This is the deal jacket, Bates-stamped 24 Defendant's 1 through Defendant's 36. 25 MR. GOODMAN: Okay, we got</p>
<p style="text-align: right;">Page 130</p> <p>1 Yessica K. Vallejo 2 rather than the Spanish way. But I am trying 3 my best. 4 A. You said it perfectly. 5 Q. So Chris Orsaris is a buyer at 6 Victory Mitsubishi; is that correct? 7 MR. GOODMAN: Object to 8 form. 9 A. To my knowledge, yes, that's what 10 he does. 11 Q. And did he purchase the vehicle in 12 question in this case for Victory Mitsubishi? 13 A. I don't know if it was him, per se. 14 I couldn't tell you. I don't know. 15 Q. Okay. How would you describe Chris 16 Orsaris? What is his physical appearance? 17 MR. GOODMAN: Objection to 18 form, and time frame, but go ahead. 19 A. He is short, a little bit of hair. 20 I mean, regular looking man. Average man. I 21 don't know what to say, to be honest. 22 Q. Sure. Is he white? 23 MR. GOODMAN: Object to 24 form. 25 A. Yes. To my understanding, he</p>	<p style="text-align: right;">Page 132</p> <p>1 Yessica K. Vallejo 2 it. 3 Q. So what is this first page 4 Bates-stamped Defendant's 1? 5 A. This is the front of the deal 6 jacket. 7 Q. Okay. So the deal jacket is 8 actually a physical file; is that correct? 9 A. It's like an envelope, yeah, where 10 you put the paperwork on. 11 Q. Right. And this is, like, the 12 cover of the envelope; is that accurate? 13 A. That is correct. 14 Q. Okay. And who filled out -- who 15 made the handwriting on this cover of the 16 deal jacket? 17 A. That's my handwriting and that's 18 David's in the bottom. 19 Q. Sorry, since I don't think either 20 me or the court reporter can see exactly 21 where you are pointing, could we just go one 22 by one. Let's start with the check mark 23 towards the top. Is that -- was that 24 handwritten by you? 25 A. That was me.</p>

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1 Yessica K. Vallejo
 2 Q. And the number 3385, was that
 3 written by you?
 4 A. That was me.
 5 Q. And the phone number starting 347,
 6 was that you?
 7 A. Yeah, that was me.
 8 Q. And did you also make those
 9 cross-outs on the phone number as well?
 10 A. I guess, yes, you can say that
 11 because it looks like the number was wrong
 12 and then I fix it.
 13 Q. Right.
 14 A. Uh-huh.
 15 Q. The sticker in the top right-hand
 16 corner, did you put that onto the cover?
 17 A. No.
 18 Q. Who put that onto the cover?
 19 A. The billing department.
 20 Q. And did the billing department also
 21 put on the stamp that says, "posted"?
 22 A. I don't know.
 23 Q. Okay. And there's handwriting that
 24 says -- I believe that says, "sent 7/16."
 25 A. Uh-huh.

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1 Yessica K. Vallejo
 2 Q. Who wrote that?
 3 MR. GOODMAN: You have to
 4 say "yes."
 5 A. Yeah, I see it there.
 6 Q. And who wrote that?
 7 A. I don't know.
 8 Q. What does that mean, "sent 7/16"?
 9 A. I don't know.
 10 Q. Have you ever seen anything like
 11 that on the cover of a deal jacket before?
 12 MR. GOODMAN: Object to the
 13 form.
 14 A. Usually I don't see the deal jacket
 15 after I am done with it, so no.
 16 Q. I see. So because you don't
 17 recognize it, you think it was done after you
 18 had had the deal jacket; is that correct?
 19 A. That is correct. I don't know what
 20 was done and who did it -- none of that.
 21 Q. But wouldn't you see the deal
 22 jacket again if there was a resigning for the
 23 document?
 24 A. Maybe. But according to what me
 25 and you spoke about, the resigning was done

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1 Yessica K. Vallejo
 2 on 6/29, and this is dated 7/16. So this is
 3 way after the resigning.
 4 Q. So you think that this -- this
 5 writing here on the cover of the deal jacket
 6 was made after June 29, 2020?
 7 MR. GOODMAN: Object to the
 8 form. You mean the --
 9 specifically, the "sent 7/16"
 10 writing?
 11 MS. CATHERINE: Yes,
 12 specifically, the "sent 7/16."
 13 THE WITNESS: You are going
 14 based on 7/16. What it could mean
 15 to me, and anybody with a little
 16 bit of common sense, July the 16th.
 17 So I don't know who put it there.
 18 I don't know why it's there. I
 19 don't know the meaning of it. I
 20 don't know.
 21 Q. Well, it's probably intuitive by
 22 now that lawyers don't have very much common
 23 sense, but --
 24 MR. GOODMAN: Hey, we agree
 25 on something, Emma. That's --

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1 Yessica K. Vallejo
 2 we've reached a good point.
 3 THE WITNESS: You implying
 4 that that's not something --
 5 MS. CATHERINE: Sorry, that
 6 was just a joke. That was just a
 7 joke.
 8 THE WITNESS: Okay, so...
 9 Q. So the handwriting that says
 10 "Capital One, 9-K, \$632.94," who wrote that?
 11 A. I did.
 12 Q. What does that mean?
 13 A. That means that the lender is
 14 Capital One, down payment was \$9,000, and the
 15 estimate payment was 632.94.
 16 Q. When you say, "estimate payment,"
 17 that's the monthly payment for the financing
 18 for the vehicle?
 19 A. That is correct.
 20 Q. And who wrote the license plate
 21 number at the bottom of this cover?
 22 A. I -- that's David handwriting. He
 23 always confirm the plate number. He was very
 24 detail oriented. So he always confirmed that
 25 the correct plate number was in the correct

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<p style="text-align: right;">Page 137</p> <p>1 Yessica K. Vallejo</p> <p>2 vehicle, before the customer leave in it.</p> <p>3 Q. Do you remember why you had started</p> <p>4 writing another phone number, and then</p> <p>5 crossed it out, and wrote the 347 phone</p> <p>6 number?</p> <p>7 A. I didn't start writing another</p> <p>8 phone number. You can see in there very</p> <p>9 clear that it's 347, and it was -- it's -- I</p> <p>10 made a mistake, probably. It was 909, but</p> <p>11 then I confirmed with the customer -- and I</p> <p>12 must have confirmed with the customer that it</p> <p>13 was (347) 995-6054.</p> <p>14 Q. Okay, but do you see that it looks</p> <p>15 like you had started writing 9-1, before the</p> <p>16 347?</p> <p>17 A. It was honest mistake. It must</p> <p>18 have been -- if you notice, if you can tell,</p> <p>19 what I am doing there is confirming the phone</p> <p>20 number for the customer. If you see on the</p> <p>21 sticker it says (347) 995-5054. Usually,</p> <p>22 what I do is, I ask the customer once again,</p> <p>23 "what's your cell phone number?" To confirm</p> <p>24 and write it down in front of the folder</p> <p>25 because we human, we can make mistakes. But</p>	<p style="text-align: right;">Page 139</p> <p>1 Yessica K. Vallejo</p> <p>2 cover?</p> <p>3 A. Because \$10,000 was probably what</p> <p>4 the customer said initially that they were</p> <p>5 going to put down, and then they change their</p> <p>6 mind to 9,000.</p> <p>7 Q. Got you. So this would have just</p> <p>8 been a record of what the customer had said</p> <p>9 to him, rather than any money actually handed</p> <p>10 over; is that correct?</p> <p>11 A. That is correct.</p> <p>12 Q. Okay. And what does the "zero,</p> <p>13 slash, zero" mean?</p> <p>14 A. Zero, slash, zero, credit score.</p> <p>15 Q. And the 3385 written in blue ink,</p> <p>16 who wrote that?</p> <p>17 A. Me.</p> <p>18 Q. And how do you know that was you;</p> <p>19 is it because of your handwriting?</p> <p>20 A. Because, yeah, that's my</p> <p>21 handwriting. That's stock number.</p> <p>22 Q. You always write the stock number</p> <p>23 for the car on the credit application?</p> <p>24 A. Yes, on top because I have to make</p> <p>25 sure I am working on correct vehicle. So I</p>
<p style="text-align: right;">Page 138</p> <p>1 Yessica K. Vallejo</p> <p>2 I want to make sure we have a correct contact</p> <p>3 number for the customer, just in case we need</p> <p>4 anything.</p> <p>5 Q. Okay. Can you turn to the next</p> <p>6 page, please. What is this document?</p> <p>7 A. It's a credit application.</p> <p>8 Q. And is this the standard credit</p> <p>9 application of Victory Mitsubishi?</p> <p>10 MR. GOODMAN: Object to</p> <p>11 form.</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And it says, "Victory Auto Group"</p> <p>14 at the top there. Do you know why it says</p> <p>15 Victory Auto Group?</p> <p>16 A. No.</p> <p>17 Q. And the handwriting at the top that</p> <p>18 says "10,000 down," do you know who wrote</p> <p>19 that?</p> <p>20 A. David.</p> <p>21 Q. Okay. And that refers to the down</p> <p>22 payment, correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Why would he have written 10,000,</p> <p>25 when you wrote 9,000 on the deal jacket</p>	<p style="text-align: right;">Page 140</p> <p>1 Yessica K. Vallejo</p> <p>2 always write the stock number.</p> <p>3 Q. And further down under "employment</p> <p>4 information" for the co-applicant, there's a</p> <p>5 check mark written in blue ink. Do you see</p> <p>6 that?</p> <p>7 A. Uh-huh.</p> <p>8 MR. GOODMAN: You have to</p> <p>9 say "yes."</p> <p>10 THE WITNESS: Yes. Sorry,</p> <p>11 sorry, yes.</p> <p>12 Q. Did you write that as well?</p> <p>13 A. I don't know. It's a check mark.</p> <p>14 It's...I -- I -- I -- I don't know. I can't</p> <p>15 tell you "yes" or "no." I don't know.</p> <p>16 Q. Because this was over two years</p> <p>17 ago, it's hard to remember, correct?</p> <p>18 MR. GOODMAN: Object to the</p> <p>19 form.</p> <p>20 A. I don't know what you are trying to</p> <p>21 imply by that, but some things are hard to</p> <p>22 remember.</p> <p>23 MS. CATHERINE: I do see that</p> <p>24 it is about three o'clock, so you</p> <p>25 want to take the break now?</p>

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1 Yessica K. Vallejo
 2 MR. GOODMAN: We will take a
 3 break. We will try to keep it
 4 twenty minutes.
 5 THE WITNESS: Maybe less,
 6 maybe less.
 7 MS. CATERINE: Take your
 8 time.
 9 (Whereupon, a recess was
 10 taken at this time.)
 11 BY MS. CATERINE:
 12 Q. Could you open what was previously
 13 marked as Exhibit 23, Bates-stamped
 14 Defendant's 85 through 92.
 15 MR. GOODMAN: What's the --
 16 what is it, Emma?
 17 MS. CATERINE: It's the
 18 screens -- screenshots and the
 19 credit application form.
 20 MR. GOODMAN: Got it. There
 21 you go. Okay, we're ready. Okay.
 22 I don't know if you want to give
 23 the witness time to look at it.
 24 Q. Could you turn to Defendant's 92,
 25 please, which is the last page? And what is

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1 Yessica K. Vallejo
 2 that document?
 3 MR. GOODMAN: Object to
 4 form; go ahead.
 5 A. That's a picture of the Deal
 6 Tracker screen.
 7 Q. Okay, what is this screen for?
 8 A. It's the screen that you use to
 9 pull credit.
 10 Q. Okay. And this is the same screen
 11 that everyone at Victory Mitsubishi would use
 12 to pull a credit report; is that correct?
 13 A. That is correct.
 14 MR. KESHAVARZ: What's the
 15 Bates stamp number for the page?
 16 MS. CATERINE: 92.
 17 MR. KESHAVARZ: Thank you.
 18 Sorry.
 19 MS. CATERINE: Sorry, is
 20 that audio being picked up in the
 21 background?
 22 MR. GOODMAN: I heard
 23 something. I don't know what it
 24 was.
 25 MS. CATERINE: Sorry, one

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1 Yessica K. Vallejo
 2 second.
 3 (Whereupon, a recess was
 4 taken at this time.)
 5 BY MS. CATERINE:
 6 Q. Defendant's 92, you would fill in
 7 this form with the information from the
 8 credit application; is that correct?
 9 A. That is correct.
 10 Q. And if you had a credit application
 11 like the one we were just looking at with two
 12 people, with applicant and co-applicant, you
 13 would pull both of their credit reports; is
 14 that correct?
 15 A. If the customer request to, yes.
 16 Q. Okay. Would there ever be a
 17 co-applicant where the co-applicant credit
 18 report would not be pulled?
 19 MR. GOODMAN: Object to
 20 form; go ahead.
 21 A. It could be. If at the time of
 22 pulling the credit or submitting to the bank,
 23 if the customer says, "I want to do the loan
 24 under my name alone, just submit under my
 25 name," then, we do it that way.

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1 Yessica K. Vallejo
 2 Q. Okay. And the section at the
 3 bottom where there's a check box and it says,
 4 "I have customer permission to pull a credit
 5 report," and so on, do you see that?
 6 A. I see that.
 7 Q. Why does this form have that check
 8 box?
 9 MR. GOODMAN: Object to
 10 form.
 11 A. It's a reminder that before you
 12 pull credit, you need to have handwritten
 13 credit application signed and dated by the
 14 customer. There's no reason to pull credit,
 15 if we don't have what -- we will never pull
 16 credit it, if we don't have that.
 17 Q. So when you log in to Deal Tracker
 18 to process a credit application, how would
 19 you get to this form? Is there, like, a
 20 button you push, or how do you get to it?
 21 A. Remember, I don't pull credit, if
 22 it's not necessary. This is done previous
 23 the deal going into my office. So this is
 24 done by the sales managers before. So on
 25 Deal Tracker it says, "pull credit," and then

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<p style="text-align: right;">Page 145</p> <p>1 Yessica K. Vallejo</p> <p>2 you click on it, you get to here. But this</p> <p>3 is not before my time with the deal. This is</p> <p>4 done previous. When the customer is in my</p> <p>5 office, all this process is already done.</p> <p>6 Q. Right. And so if I understand you</p> <p>7 correctly, if you look into Deal Tracker, as</p> <p>8 soon as you log in, there's a screen where</p> <p>9 there's an option to go to this form to pull</p> <p>10 someone's credit report; is that correct?</p> <p>11 A. It is an option, yes.</p> <p>12 Q. Okay. Let's take a look at what</p> <p>13 was previously marked as Exhibit 26,</p> <p>14 Bates-stamped subpoena responses 557, single</p> <p>15 page.</p> <p>16 MR. GOODMAN: Okay.</p> <p>17 MS. CATHERINE: It's the Deal</p> <p>18 Tracker page for Emanuel LaForest.</p> <p>19 MR. GOODMAN: Okay, I got</p> <p>20 it. You got it?</p> <p>21 THE WITNESS: That's what it</p> <p>22 is?</p> <p>23 MR. GOODMAN: You don't have</p> <p>24 that over there.</p> <p>25 THE WITNESS: I don't think</p>	<p style="text-align: right;">Page 147</p> <p>1 Yessica K. Vallejo</p> <p>2 timestamps on your end of Deal Tracker?</p> <p>3 A. No.</p> <p>4 Q. But you are aware there were</p> <p>5 timestamps being made; is that correct?</p> <p>6 MR. GOODMAN: Object to</p> <p>7 form.</p> <p>8 A. Correct.</p> <p>9 Q. Is Stavros Orsaris able to see the</p> <p>10 timestamps?</p> <p>11 MR. GOODMAN: Objection to</p> <p>12 form.</p> <p>13 A. I don't know.</p> <p>14 Q. How did you know that they were</p> <p>15 timestamped?</p> <p>16 A. Everything has the time and the</p> <p>17 date when you print paperwork.</p> <p>18 Q. I see.</p> <p>19 A. If it doesn't have the time, it has</p> <p>20 the date.</p> <p>21 Q. So if you pulled a credit report,</p> <p>22 for example, it would have the date and time;</p> <p>23 is that correct?</p> <p>24 MR. GOODMAN: Object to the</p> <p>25 form; go ahead.</p>
<p style="text-align: right;">Page 146</p> <p>1 Yessica K. Vallejo</p> <p>2 so.</p> <p>3 MR. GOODMAN: Just use that.</p> <p>4 That's fine. Use the one -- use</p> <p>5 that one.</p> <p>6 THE WITNESS: Okay.</p> <p>7 Q. Okay. What is this document?</p> <p>8 MR. GOODMAN: Object to the</p> <p>9 form.</p> <p>10 A. I don't know. This is not a</p> <p>11 document that I ca familiar with.</p> <p>12 Q. So prior to your deposition today,</p> <p>13 have you ever seen a document like this one,</p> <p>14 even if it wasn't for Emanuel LaForest, and</p> <p>15 for a different customer, for example?</p> <p>16 A. No.</p> <p>17 Q. Sorry, to clarify, you haven't seen</p> <p>18 a document like this before; is that correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Okay. Were you aware Deal Tracker</p> <p>21 was tracking the times that Victory</p> <p>22 Mitsubishi employees logged into Deal Tracker</p> <p>23 and pulled credit?</p> <p>24 A. Yeah, everything is timestamp.</p> <p>25 Q. And are you able to see those</p>	<p style="text-align: right;">Page 148</p> <p>1 Yessica K. Vallejo</p> <p>2 A. I believe so.</p> <p>3 Q. And has there ever been a time that</p> <p>4 you have printed a document from Deal</p> <p>5 Tracker, and the timestamp on the document</p> <p>6 did not appear to be accurate?</p> <p>7 MR. GOODMAN: Objection;</p> <p>8 form.</p> <p>9 A. I can't answer that question</p> <p>10 because I never had to go back and check date</p> <p>11 and time for any customer in the past,</p> <p>12 almost, eleven, seven years that I have been</p> <p>13 working at Victory Mitsubishi.</p> <p>14 Q. Okay, but you have printed</p> <p>15 documents from Deal Tracker, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you have noticed that there's a</p> <p>18 timestamp on those documents, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And of those times where you saw</p> <p>21 the timestamp on the printed documents, did</p> <p>22 it ever appear to be inaccurate?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay.</p> <p>25 A. I don't recall none of that</p>

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1 Yessica K. Vallejo
 2 situation happening to me ever.
 3 Q. And on this page, at the bottom,
 4 you will see the first entry here from the
 5 bottom says, "4:38 p.m., deal jacket created,
 6 D. Perez." What is your understanding of
 7 that entry?
 8 A. It's a chronological event. You
 9 can read it here. The whole-- was complete,
 10 ID verification was complete, Credit Bureau
 11 report was completed. We got authorization
 12 from the customer. Then, we pulled the
 13 credit. Then, the deal jacket was created.
 14 Q. You see how the deal jacket is
 15 timestamped 4:38 p.m., and the Credit Bureau
 16 pull is timestamped 4:39 p.m.?
 17 A. I see that.
 18 Q. So based on that, does it appear
 19 this is in reverse chronological order,
 20 starting from the bottom?
 21 MR. GOODMAN: Object to
 22 form.
 23 A. You have to create a dealer jack-
 24 -- the dealer jacket, in order for you to
 25 work the deal, though. So this is accurate.

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1 Yessica K. Vallejo
 2 He created the deal jacket, and then he got
 3 the authorization. He pulled the bureau --
 4 the authorization to pull the bureau is the
 5 handwriting app that we have here in the
 6 paperwork, signed and dated by the customer.
 7 Q. So you're referring to the
 8 application that we just looked at, correct?
 9 A. Yes, you can see here that she
 10 signed -- that he signed the credit
 11 application. That's the reason. Because we
 12 pull credit because we have authorization.
 13 Q. Okay. So why on the screen does it
 14 only show Emanuel LaForest, and doesn't list
 15 any co-applicant? The "co-applicant" is
 16 blank.
 17 MR. GOODMAN: Object to
 18 form.
 19 A. You cannot -- you cannot pull two
 20 people credit at the same time, though. It's
 21 impossible. You have to go one person,
 22 first, and then the second one.
 23 Q. Why is there a "co-applicant" field
 24 there?
 25 A. I don't know.

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1 Yessica K. Vallejo
 2 MR. GOODMAN: Let me see
 3 that.
 4 Q. Do you see where that is below
 5 Emanuel LaForest?
 6 A. No.
 7 MR. GOODMAN: Well, hold on.
 8 I have the document. We only have
 9 one copy. And I am looking at it
 10 now, so it's not in front of the
 11 witness.
 12 MS. CATHERINE: Sure, that's
 13 fine. Take your time.
 14 MR. GOODMAN: Okay, here.
 15 Do you understand? Is there
 16 a question pending?
 17 Q. My question is: Do you see the
 18 co-applicant field below Emanuel LaForest on
 19 this page?
 20 A. I see that it says, "co-applicant,"
 21 yes.
 22 Q. Okay. And you don't know why that
 23 field is there?
 24 MR. GOODMAN: Object to
 25 form.

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1 Yessica K. Vallejo
 2 A. No, I don't know.
 3 Q. Do you know why the Credit Bureau
 4 "pulled" entry is below the Credit Bureau
 5 "authorization received" entry?
 6 A. Below?
 7 Q. Yes, in the order that the entries
 8 are in on the document.
 9 MR. KESHAVARZ: Sorry,
 10 what's the Bates number?
 11 A. I don't know --
 12 MS. CATHERINE: Subpoena
 13 responses 557.
 14 MR. KESHAVARZ: Thank you.
 15 Q. Apologies, what was your answer?
 16 A. I don't know.
 17 Q. Okay. And "D. Perez" refers to
 18 David Perez, correct?
 19 MR. GOODMAN: Object to
 20 form.
 21 A. That is correct.
 22 Q. And there should be a screen like
 23 this for every customer where there's a deal
 24 jacket; is that correct?
 25 MR. GOODMAN: Object to the

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1 Yessica K. Vallejo
 2 form of the question.
 3 A. I am assuming, yes. If you run
 4 somebody's credit, if you have -- if the
 5 customer is there with the purpose of buying
 6 a car, you have authorization to run your
 7 credit, you going to be able to do all these
 8 things, which is the all fact check, the ID
 9 verification, Credit Bureau pull. This form
 10 is very clear; it's showing the process.
 11 MR. GOODMAN: Just answer
 12 the question.
 13 Q. And Dealer Track didn't produce a
 14 form like this for Farah Jean Francois. Do
 15 you have any idea why there wouldn't be a
 16 form like this for Farah Jean Francois?
 17 MR. GOODMAN: Object to the
 18 form.
 19 A. I don't know. I don't work for
 20 Deal Tracker.
 21 Q. And on here it says, "June 20,
 22 2020, adverse action recommended." Why did
 23 it take so long for an adverse action to be
 24 recommended for Mr. LaForest?
 25 MR. GOODMAN: Object to the

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1 Yessica K. Vallejo
 2 form.
 3 A. I don't know.
 4 Q. But I believe you previously
 5 testified, correct me if I am wrong, that
 6 there was handwriting by David Perez on the
 7 credit application showing that Mr. LaForest
 8 had no credit history; is that correct?
 9 A. What I told you before was that he
 10 had handwrite on the credit application that
 11 he had zero credit score, which you can see
 12 on the Defendant's Number 2, he wrote a zero,
 13 zero credit score.
 14 Q. Okay. And the zero, slash, zero,
 15 is that referring to the credit scores for
 16 two different credit bureaus?
 17 A. I don't know if it's referring for
 18 two different credit bureaus. To my
 19 understanding, is basically that the customer
 20 has zero credit score.
 21 Q. Well, let's say, if the customer
 22 doesn't have a zero credit score, would he
 23 write in the credit score, like, say, 700,
 24 slash, 750?
 25 A. It could be. It could be that he

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1 Yessica K. Vallejo
 2 was using Experian and TransUnion scores.
 3 Q. Okay.
 4 A. It could be he was using that.
 5 Q. And when Mr. Perez makes
 6 handwritten notes like that, that's to show
 7 you that the applicant -- showing you what
 8 the applicant credit score is; is that
 9 correct?
 10 MR. GOODMAN: Object to
 11 form.
 12 A. No, that's not correct.
 13 Q. Okay, what --
 14 A. He could be writing those notes for
 15 himself.
 16 Q. So he just writes in those notes
 17 for himself, it's not to communicate it to
 18 anyone else?
 19 A. I don't know. You will have to ask
 20 David Perez.
 21 Q. Mr. LaForest had Victory Mitsubishi
 22 run the credit of a woman named Jaime Singer,
 23 correct?
 24 MR. GOODMAN: Object to
 25 form.

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1 Yessica K. Vallejo
 2 A. You implying that or you asking me?
 3 Q. I am asking you.
 4 A. I don't know.
 5 Q. Okay. If you could take a look at
 6 Exhibit 27, what's previously marked as
 7 Exhibit 27, Bates-stamped subpoena responses
 8 566, it's a single page, similar to the page
 9 where we were just looking at, but for Jaime
 10 Singer.
 11 A. I don't think I have that.
 12 MR. GOODMAN: Yeah, let me
 13 get it.
 14 A. I have the page.
 15 Q. Okay. And this document indicates
 16 that you created the deal jacket for
 17 Ms. Singer, correct?
 18 A. That is correct.
 19 Q. And it indicates that you pulled
 20 the credit report for Ms. Singer, correct?
 21 A. That is correct.
 22 Q. Why did you pull Ms. Singer's
 23 credit report?
 24 MR. GOODMAN: Object to
 25 form; go ahead.

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<p style="text-align: right;">Page 157</p> <p>1 Yessica K. Vallejo</p> <p>2 A. I am assuming Ms. Singer was a</p> <p>3 customer that had a credit application signed</p> <p>4 and date, and she gave me authorization to</p> <p>5 pull her credit. She was in pursuit of</p> <p>6 buying automobile.</p> <p>7 Q. Why did you do this one, rather</p> <p>8 than David Perez doing it?</p> <p>9 A. David Perez was probably busy and</p> <p>10 they gave me the file to run the credit.</p> <p>11 Q. Are you aware that Emanuel LaForest</p> <p>12 texted Stavros Orsaris the driver's license</p> <p>13 and social security for Jaime Singer?</p> <p>14 MR. GOODMAN: Object to the</p> <p>15 form.</p> <p>16 A. No.</p> <p>17 Q. Take a look at what was previously</p> <p>18 marked as Exhibit 25, Bates-stamped</p> <p>19 Defendant's 70 through 72.</p> <p>20 MR. GOODMAN: Is that your</p> <p>21 son? Let's take a break. She</p> <p>22 needs to communicate --</p> <p>23 MS. CATHERINE: How long do</p> <p>24 you want?</p> <p>25 MR. GOODMAN: Just a couple</p>	<p style="text-align: right;">Page 159</p> <p>1 Yessica K. Vallejo</p> <p>2 texts this driver's license and social</p> <p>3 security to Stavros Orsaris?</p> <p>4 A. No.</p> <p>5 Q. Ms. Singer represented to us that</p> <p>6 she had given Emanuel LaForest permission on</p> <p>7 May 30, 2020, to run her credit, although she</p> <p>8 had not been at the dealership herself. Do</p> <p>9 you remember Emanuel LaForest asking you to</p> <p>10 run Jamie Singer's credit?</p> <p>11 MR. GOODMAN: Object to</p> <p>12 form.</p> <p>13 A. No.</p> <p>14 Q. You understand that you have been</p> <p>15 sued as an individual in this lawsuit?</p> <p>16 A. I understand.</p> <p>17 Q. Do you understand that if these</p> <p>18 allegations are proven, that a judgment could</p> <p>19 be attained against you, individually?</p> <p>20 MR. GOODMAN: Object to the</p> <p>21 form.</p> <p>22 A. I understand very clearly what we</p> <p>23 doing here, ma'am. Also, I understand that</p> <p>24 not because your client is implying all these</p> <p>25 things, that means that they are truth.</p>
<p style="text-align: right;">Page 158</p> <p>1 Yessica K. Vallejo</p> <p>2 --</p> <p>3 THE WITNESS: Five minutes.</p> <p>4 (Whereupon, a recess was</p> <p>5 taken at this time.)</p> <p>6 BY MS. CATHERINE:</p> <p>7 Q. And you have Exhibit 25 in front of</p> <p>8 you now, correct?</p> <p>9 A. I don't know if this is...</p> <p>10 Q. Defendant's -- the text messages.</p> <p>11 MR. GOODMAN: Yes.</p> <p>12 A. There's some -- yes, text messages.</p> <p>13 MR. GOODMAN: What's the</p> <p>14 number at the bottom? It's hard to</p> <p>15 read on that one.</p> <p>16 MS. CATHERINE: It's a bit</p> <p>17 hard to read. It should say</p> <p>18 Defendant's 70 through --</p> <p>19 THE WITNESS: Yes, yes,</p> <p>20 that's what it is.</p> <p>21 Q. Okay, great. Prior to your</p> <p>22 preparation for this deposition today, had</p> <p>23 you ever seen this document?</p> <p>24 A. No.</p> <p>25 Q. Do you know why Emanuel LaForest</p>	<p style="text-align: right;">Page 160</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Well, right now we have this</p> <p>3 document showing that you pulled Ms. Singer's</p> <p>4 credit report and --</p> <p>5 A. That's correct.</p> <p>6 MR. GOODMAN: Let her</p> <p>7 finish.</p> <p>8 Q. And Ms. Singer says that she was</p> <p>9 not there at the dealership that day. So do</p> <p>10 you pull credit reports for customers who are</p> <p>11 not present at the dealership?</p> <p>12 MR. GOODMAN: Object to</p> <p>13 form.</p> <p>14 A. If I pull Ms. Singer's credit,</p> <p>15 which clearly you can see here on May 30 I</p> <p>16 did, it was because I had handwritten credit</p> <p>17 application that was given to me and her ID</p> <p>18 to pull her credit. Not because I</p> <p>19 deliberately just pull her credit because I</p> <p>20 wanted to pull her credit.</p> <p>21 Q. Okay. And so you may not have seen</p> <p>22 Jamie Singer yourself, you may have just had</p> <p>23 an application for her and a copy of her</p> <p>24 driver's license; is that correct?</p> <p>25 MR. GOODMAN: Object to the</p>

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<p style="text-align: right;">Page 161</p> <p>1 Yessica K. Vallejo</p> <p>2 form.</p> <p>3 A. That is correct. And if I had her</p> <p>4 ID and her credit application signed, then, I</p> <p>5 pull her credit.</p> <p>6 Q. Okay. Does anyone else have access</p> <p>7 to your login information for Deal Tracker?</p> <p>8 A. Not to my login, per se, but my</p> <p>9 computer is there, and -- and my office is</p> <p>10 there. So I am login all day long. As soon</p> <p>11 as I get to work, until, you know, nighttime,</p> <p>12 when I usually leave.</p> <p>13 Q. Does Stavros Orsaris have the login</p> <p>14 information for you for Deal Tracker?</p> <p>15 MR. GOODMAN: Object to the</p> <p>16 form.</p> <p>17 A. No. You need a login and password,</p> <p>18 and I don't share my password with no one.</p> <p>19 Q. So if a Deal Tracker document says</p> <p>20 that you pulled someone's credit report, such</p> <p>21 as this one, saying that you pulled Jaime</p> <p>22 Singer's credit report, you could be sure</p> <p>23 that it was you who pulled her credit report;</p> <p>24 is that correct?</p> <p>25 MR. GOODMAN: Object to</p>	<p style="text-align: right;">Page 163</p> <p>1 Yessica K. Vallejo</p> <p>2 MS. CATHERINE: Can you read</p> <p>3 back the question, Court Reporter?</p> <p>4 (Whereupon, the requested</p> <p>5 portion was read by the reporter.)</p> <p>6 MR. GOODMAN: Objection,</p> <p>7 form. You can answer.</p> <p>8 A. You can say that I did, based on</p> <p>9 this document, pull her credit report, but I</p> <p>10 am telling you that if I pulled her credit</p> <p>11 report, it's because I had handwritten credit</p> <p>12 app, an ID to, in fact, do that. I do not,</p> <p>13 under no circumstance, pull credit reports</p> <p>14 for random customer, for random people, with</p> <p>15 no authorization. Do you understand?</p> <p>16 Q. Let's try rephrasing the question.</p> <p>17 Why would this document say that</p> <p>18 you pulled Ms. Singer's credit report?</p> <p>19 MR. GOODMAN: That's the</p> <p>20 question -- objection to the form.</p> <p>21 A. The document will say that I pulled</p> <p>22 Jaime Singer's credit report because I had in</p> <p>23 my hand a handwritten credit application with</p> <p>24 an ID from Jaime Singer, and she was at the</p> <p>25 dealership, willingly, to purchase an</p>
<p style="text-align: right;">Page 162</p> <p>1 Yessica K. Vallejo</p> <p>2 form.</p> <p>3 A. I don't know. But once again, if I</p> <p>4 pulled her credit report, it's because I got</p> <p>5 a credit application and an ID from this</p> <p>6 customer. Because I would not, under any</p> <p>7 reason or circumstance, pull no credit for no</p> <p>8 one without their permission.</p> <p>9 Q. Well, you say "if," but if no one</p> <p>10 else has your login information, why would</p> <p>11 this document show that you pulled</p> <p>12 Ms. Singer's credit report, other than if you</p> <p>13 had, in fact, pulled her credit report?</p> <p>14 MR. GOODMAN: She is not</p> <p>15 saying she didn't.</p> <p>16 A. I am not saying she didn't.</p> <p>17 MS. CATHERINE: Please, don't</p> <p>18 -- please. We've been over the</p> <p>19 speaking objections.</p> <p>20 MR. GOODMAN: Yeah, and we</p> <p>21 have also --</p> <p>22 MS. CATHERINE: Read back the</p> <p>23 question.</p> <p>24 THE WITNESS: Okay, so let's</p> <p>25 go back.</p>	<p style="text-align: right;">Page 164</p> <p>1 Yessica K. Vallejo</p> <p>2 automobile. Am I clear?</p> <p>3 Q. So you pulled Jamie Singer's credit</p> <p>4 report, correct?</p> <p>5 A. It was pulled after getting a</p> <p>6 signed credit application and ID from the</p> <p>7 customer. It was not pulled willingly. It</p> <p>8 was pulled under her authorization, once</p> <p>9 again.</p> <p>10 Q. "Yes" or "no," did you pull Jamie</p> <p>11 Singer's credit report?</p> <p>12 A. Yes. Yes, ma'am. Yes, ma'am. It</p> <p>13 was pulled. If it says it was under my</p> <p>14 login, it was pulled, and that means that she</p> <p>15 was there, she signed, and gave her ID for us</p> <p>16 to do it.</p> <p>17 Q. Okay, please let me finish the</p> <p>18 question. Did you pull Ms. Singer's credit</p> <p>19 report on May 30, 2020 -- "yes" or "no"?</p> <p>20 A. Ma'am, you asking the same question</p> <p>21 repeatedly. You harassing me right now. You</p> <p>22 know that, right? You asking me the same</p> <p>23 question more than once, and I am giving you</p> <p>24 answer. I am giving you an answer more than</p> <p>25 once. I gave you an answer, and you keep</p>

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<p style="text-align: right;">Page 165</p> <p>1 Yessica K. Vallejo</p> <p>2 harassing me.</p> <p>3 Q. "Yes" or "no"?</p> <p>4 MR. GOODMAN: You know,</p> <p>5 Emma, at this point we are reaching</p> <p>6 the point that it does fall under</p> <p>7 30-D-3 harassment.</p> <p>8 MS. CATHERINE: You want me</p> <p>9 to get the judge on the phone?</p> <p>10 THE WITNESS: Why are you</p> <p>11 harassing me?</p> <p>12 MR. GOODMAN: No, if it</p> <p>13 continues, I will just terminate,</p> <p>14 and we will make our motion as</p> <p>15 allowed under federal rules.</p> <p>16 MS. CATHERINE: I haven't</p> <p>17 received --</p> <p>18 THE WITNESS: You will not</p> <p>19 make me change what I tell you. I</p> <p>20 am telling my answer. That's the</p> <p>21 same answer. If you ask fifty</p> <p>22 times, I am going to give you the</p> <p>23 same answer, ma'am.</p> <p>24 MS. CATHERINE: Can you</p> <p>25 please instruct your client to</p>	<p style="text-align: right;">Page 167</p> <p>1 Yessica K. Vallejo</p> <p>2 THE WITNESS: Do you know</p> <p>3 for a fact that that person wasn't</p> <p>4 Ms. Francois?</p> <p>5 MR. GOODMAN: No, just</p> <p>6 answer the question. Listen to the</p> <p>7 question, answer the question.</p> <p>8 THE WITNESS: There was a</p> <p>9 woman in my office. I can't tell</p> <p>10 you if it was her or not.</p> <p>11 MR. GOODMAN: That's not the</p> <p>12 question.</p> <p>13 Q. I am not asking you that.</p> <p>14 A. Oh.</p> <p>15 MR. GOODMAN: Listen to the</p> <p>16 question and answer the question.</p> <p>17 A. Okay, go ahead.</p> <p>18 Q. So on May 30, 2020, Mr. LaForest</p> <p>19 and a woman were in your office together,</p> <p>20 correct?</p> <p>21 A. That is correct.</p> <p>22 Q. Let's take a look at what was</p> <p>23 previously marked Exhibit 29, subpoena</p> <p>24 responses 515 to 553, please.</p> <p>25 MR. GOODMAN: Give me a</p>
<p style="text-align: right;">Page 166</p> <p>1 Yessica K. Vallejo</p> <p>2 allow me to speak?</p> <p>3 THE WITNESS: You are</p> <p>4 harassing me. Who's going to</p> <p>5 instruct you to stop harassing me?</p> <p>6 It's harassment.</p> <p>7 MR. GOODMAN: Okay, let's go</p> <p>8 forward. She has answered "yes," I</p> <p>9 don't know how many times. You</p> <p>10 have exhausted that area. Can we</p> <p>11 please move ahead?</p> <p>12 MS. CATHERINE: Court</p> <p>13 Reporter, do you have -- do we have</p> <p>14 an answer of "yes" on the record?</p> <p>15 (Whereupon, the requested</p> <p>16 portion was read by the reporter.)</p> <p>17 MS. CATHERINE: I apologize.</p> <p>18 I didn't think the question had</p> <p>19 been finished.</p> <p>20 Q. Okay. And you said that</p> <p>21 Mr. LaForest and a woman, who at the very</p> <p>22 least was claiming to be Ms. Francois, were</p> <p>23 in your office on May 30, 2020, correct?</p> <p>24 MR. GOODMAN: Objection,</p> <p>25 form.</p>	<p style="text-align: right;">Page 168</p> <p>1 Yessica K. Vallejo</p> <p>2 minute.</p> <p>3 MS. CATHERINE: Sure.</p> <p>4 MR. GOODMAN: It's this</p> <p>5 stack over here. It looks like</p> <p>6 this.</p> <p>7 MS. CATHERINE: It's also</p> <p>8 Bates-stamped DTI 7 through DTI 45.</p> <p>9 Just look at what you are</p> <p>10 holding up on the screen. I think</p> <p>11 that's it. It looks like it.</p> <p>12 MR. GOODMAN: What's the</p> <p>13 last Bates stamp number?</p> <p>14 MS. CATHERINE: The last</p> <p>15 Bates stamp number, subpoena</p> <p>16 response 553.</p> <p>17 MR. GOODMAN: Okay, we have</p> <p>18 it.</p> <p>19 MS. CATHERINE: Okay, great.</p> <p>20 Q. So take your time to review the</p> <p>21 document as much as you would like. What are</p> <p>22 these pages of the document?</p> <p>23 MR. GOODMAN: Object to the</p> <p>24 form, but take your time and look</p> <p>25 at it. When you are ready, we will</p>

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1 Yessica K. Vallejo
 2 go ahead.
 3 A. This is an approval sheet from the
 4 bank. The first page, of course. I don't
 5 know the rest of the pages.
 6 Q. Sure, just take your time to review
 7 the pages.
 8 MR. GOODMAN: Go ahead and
 9 look through the whole thing.
 10 A. This is the same page over and over
 11 for Capital One. As per, Chase, it's a
 12 decline notice. Lloyds Bank, decline. TD,
 13 decline notice. Ally, decline notice. And
 14 then from Capital One, it's a conditional
 15 approval, and all the time there's update on
 16 the numbers, they refresh the approval, and
 17 it looks like they giving you new approval,
 18 but it's just update on it.
 19 Q. Okay. Let's go back to the first
 20 page of the document, Bates-stamped subpoena
 21 responses 515.
 22 A. Uh-huh. Okay, I am here.
 23 Q. This would have been a deal -- this
 24 approved deal was a response to an
 25 application for financing submitted by you

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1 Yessica K. Vallejo
 2 for Farah Jean Francois, correct?
 3 A. Correct.
 4 Q. And if Mr. LaForest and
 5 Ms. Francois filled out a credit application
 6 together, why weren't applications for
 7 financing made in both of their names?
 8 A. It could have been that Ms.
 9 Francois requested to do the loan under her
 10 name alone.
 11 Q. Okay. Would there have been -- is
 12 there any other reason why you think that
 13 would have happened?
 14 MR. GOODMAN: Object to the
 15 form.
 16 A. No.
 17 Q. Could you turn to subpoena
 18 responses 519, please?
 19 A. Okay.
 20 Q. And this credit denial was a
 21 response to an application for financing
 22 submitted by you in Ms. Francois' name,
 23 correct?
 24 A. Correct.
 25 Q. And how do you know that?

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1 Yessica K. Vallejo
 2 A. What you mean? I am looking at it,
 3 so do you.
 4 Q. Is there something on the document
 5 that shows that you were the one who
 6 submitted the credit application?
 7 A. You telling me that you pulled this
 8 from Dealer Track, and these are applications
 9 that I submitted. That's what you telling me
 10 right now.
 11 Q. Well, I -- I did not mean to tell
 12 you that. I am genuinely asking you, is this
 13 something -- is this in response to something
 14 you submitted in Ms. Francois' name?
 15 MR. GOODMAN: Object to the
 16 form.
 17 A. This is a decline form from a deal
 18 that was omitted after this customer came to
 19 the dealership and gave her credit
 20 application, signed, date, and her ID, to
 21 apply for credit, and if you see on the top,
 22 it says, "decline by the lender."
 23 Q. Uh-huh.
 24 A. I am assuming all these papers that
 25 you gave me are me working the deal. I

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1 Yessica K. Vallejo
 2 thought you already knew that I was the one
 3 that submitted it.
 4 MR. GOODMAN: Okay, her
 5 question is, is there anything on
 6 this page that shows that it's you
 7 that did this?
 8 THE WITNESS: No, it doesn't
 9 have my name on it.
 10 Q. Would there be any other document
 11 that would show that you were the one who was
 12 working the deal?
 13 A. No.
 14 Q. Okay. But if your name appears,
 15 for example, on the retail installment sales
 16 contract, could it be assumed that you were
 17 the one who was working the deal?
 18 MR. GOODMAN: Object to
 19 form.
 20 A. That is correct.
 21 Q. And would there ever be a situation
 22 where your name would be on the buyer's order
 23 and the sales contract, but another finance
 24 manager had been the one submitting the
 25 credit applications?

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<p style="text-align: right;">Page 173</p> <p>1 Yessica K. Vallejo</p> <p>2 A. It could be. It happens sometime</p> <p>3 if the finance is -- is not there, and I have</p> <p>4 to finalize for him, I will be the one</p> <p>5 signing the contract, even if he was the one</p> <p>6 that submit the deal. Remember, we are a</p> <p>7 team with five people, so we work together.</p> <p>8 Q. Okay. And other than the retail</p> <p>9 installment sales contract, and the buyer's</p> <p>10 order, would there be any other way to</p> <p>11 determine who submitted the credit</p> <p>12 applications?</p> <p>13 A. No, the only way is Deal Tracker</p> <p>14 showing you under whose login was the credit</p> <p>15 app submitted.</p> <p>16 Q. Can you turn to page subpoena</p> <p>17 response 521, please?</p> <p>18 A. Okay.</p> <p>19 Q. And under the "reasons" for this</p> <p>20 credit denial, do you see where it says, "too</p> <p>21 many inquiries last twelve months"?</p> <p>22 A. I see it.</p> <p>23 Q. And what do you understand that to</p> <p>24 mean?</p> <p>25 MR. GOODMAN: Objection to</p>	<p style="text-align: right;">Page 175</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. You can't answer what you have seen</p> <p>3 in credit denials?</p> <p>4 A. I don't know. I am not a credit</p> <p>5 lender. I don't know the reasons because</p> <p>6 they deny customers. It's -- it's -- shows</p> <p>7 there four reasons, and you asking me about</p> <p>8 one of them. I am not credit lender. I</p> <p>9 don't know the factors that affect this</p> <p>10 credit decision, because I am not a lender.</p> <p>11 You understand? I mean, I cannot tell you,</p> <p>12 even if I want to. I don't know.</p> <p>13 Q. Sure. But have you seen this</p> <p>14 reason, "too many inquiries last twelve</p> <p>15 months"? Have you ever seen it on a credit</p> <p>16 denial, beside this one?</p> <p>17 A. I don't recall.</p> <p>18 Q. You don't remember any other</p> <p>19 instance where one of the reasons was "too</p> <p>20 many inquiries in the last twelve months"?</p> <p>21 MR. GOODMAN: Objection,</p> <p>22 form.</p> <p>23 A. No, you have other declines here</p> <p>24 for her and none of them say that. That</p> <p>25 might be something particularly for this</p>
<p style="text-align: right;">Page 174</p> <p>1 Yessica K. Vallejo</p> <p>2 form; go ahead.</p> <p>3 A. Too many inquiries last twelve</p> <p>4 months.</p> <p>5 Q. What does "inquiries" mean?</p> <p>6 A. That's the times you run your</p> <p>7 credit.</p> <p>8 Q. Okay.</p> <p>9 A. It shows in your credit report.</p> <p>10 Q. So a consumer can have credit</p> <p>11 denied based on the number of inquiries on</p> <p>12 their credit report; is that correct?</p> <p>13 MR. GOODMAN: Objection to</p> <p>14 the form of that question.</p> <p>15 A. I am not a credit lender. I do not</p> <p>16 provide credit. I cannot answer that</p> <p>17 question.</p> <p>18 Q. But you have seen denials such as</p> <p>19 this one, which lists number of inquiries</p> <p>20 under reasons for the denial; is that</p> <p>21 correct?</p> <p>22 MR. GOODMAN: Objection to</p> <p>23 the form.</p> <p>24 A. I am not a credit lender. I cannot</p> <p>25 answer that question.</p>	<p style="text-align: right;">Page 176</p> <p>1 Yessica K. Vallejo</p> <p>2 lender. I mean, it doesn't mean that every</p> <p>3 lender uses that reason. I wouldn't be able</p> <p>4 to tell you because I am not a credit lender.</p> <p>5 Q. When you receive credit denials, do</p> <p>6 you ever explain to the consumer the reasons</p> <p>7 listed for why they were denied?</p> <p>8 A. Of course. I give them the paper,</p> <p>9 this paper. They can read it, and also they</p> <p>10 get a letter from the lender explaining the</p> <p>11 same thing.</p> <p>12 Q. So you would have given them -- you</p> <p>13 would have given Farah Jean Francois this</p> <p>14 example, all --</p> <p>15 A. I would have showed her, of course.</p> <p>16 MR. GOODMAN: Let her finish</p> <p>17 the question.</p> <p>18 THE WITNESS: Oh.</p> <p>19 Q. You would have given Farah Jean</p> <p>20 Francois all of the pages of the document</p> <p>21 that we're currently looking at; is that</p> <p>22 correct?</p> <p>23 A. I would have showed her the</p> <p>24 reasons, because we have denials with other</p> <p>25 lenders, you know, and what is the reason,</p>

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<p style="text-align: right;">Page 177</p> <p>1 Yessica K. Vallejo</p> <p>2 because we going through the lender that we</p> <p>3 went through.</p> <p>4 Q. Sure. So would you just have,</p> <p>5 like, showed her on your computer screen, you</p> <p>6 know, like turned the computer screen so she</p> <p>7 can see --</p> <p>8 A. Probably.</p> <p>9 Q. -- or just read it to her, read</p> <p>10 what it says?</p> <p>11 A. Probably, yes.</p> <p>12 Q. Okay.</p> <p>13 A. Most customer want to know, you</p> <p>14 understand, and they entitle to.</p> <p>15 Q. Yeah, of course. And so at some</p> <p>16 point you explained to consumer that a reason</p> <p>17 for the credit denial was too many inquiries</p> <p>18 last twelve months; is that correct?</p> <p>19 MR. GOODMAN: Objection,</p> <p>20 form.</p> <p>21 A. The customer got a letter from this</p> <p>22 lender to her house explaining the reasons of</p> <p>23 the decline. Every lender, they send a</p> <p>24 letter to the customer. But I probably did</p> <p>25 show her the reasons because she got</p>	<p style="text-align: right;">Page 179</p> <p>1 Yessica K. Vallejo</p> <p>2 not. I can't answer what you want me to</p> <p>3 answer. I have to tell you the truth. I</p> <p>4 don't know.</p> <p>5 Q. Okay. It's just not always --</p> <p>6 A. If I know, I tell you. If I don't</p> <p>7 know, I don't know.</p> <p>8 Q. And if you turn to the next page,</p> <p>9 which is Bates-stamped subpoena responses</p> <p>10 523, could you explain why there would be</p> <p>11 another conditional approval from Capital</p> <p>12 One, and this one is timestamped 5:13 p.m.,</p> <p>13 when there already was an approval that day</p> <p>14 from Capital One at an earlier time?</p> <p>15 A. This is not a different approval.</p> <p>16 It's the same exact approval. It's just that</p> <p>17 it was an update made on it. It could've</p> <p>18 been we update tax, that we update miles on</p> <p>19 the car. That is not a different approval.</p> <p>20 Or we rerun her credit, or we got different</p> <p>21 approval. It's exact one. All these Capital</p> <p>22 One approvals that you have, they are the</p> <p>23 same approval. It's just that all the time</p> <p>24 there's a change made to the structure of the</p> <p>25 deal, going to see an update. And when did</p>
<p style="text-align: right;">Page 178</p> <p>1 Yessica K. Vallejo</p> <p>2 declined, if she asked me to, you know, I</p> <p>3 would have explained, "the lender, the one</p> <p>4 that is" -- "is giving us best approval, best</p> <p>5 rate, is Capital One. So take into</p> <p>6 consideration going through this lender," so</p> <p>7 on and so forth.</p> <p>8 Q. If you can turn to the page</p> <p>9 Bates-stamped subpoena responses 522.</p> <p>10 A. Okay, we're here.</p> <p>11 Q. And under the reasons for this one,</p> <p>12 there's something referenced "called</p> <p>13 SageStream." What is "SageStream"?</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. And you can see under the</p> <p>16 "comments," there's a timestamp there of "May</p> <p>17 30, 2020, 5:12 p.m." Do you have any reason</p> <p>18 to believe that that timestamp is inaccurate?</p> <p>19 MR. GOODMAN: Object to</p> <p>20 form.</p> <p>21 A. I don't know.</p> <p>22 Q. Sorry, "yes" or "no," do you have</p> <p>23 any reason to believe that the timestamp here</p> <p>24 is inaccurate?</p> <p>25 A. I don't know if it's accurate or</p>	<p style="text-align: right;">Page 180</p> <p>1 Yessica K. Vallejo</p> <p>2 you update the deal, and what time did you</p> <p>3 update the deal, we didn't rerun her credit</p> <p>4 again with Capital One. Capital One has Oral</p> <p>5 Navigator. You go there and you work the</p> <p>6 deal.</p> <p>7 MR. GOODMAN: Just answer</p> <p>8 the question that's asked of you,</p> <p>9 okay?</p> <p>10 THE WITNESS: Okay by me.</p> <p>11 She said auto calculate /*R.</p> <p>12 Q. I am just trying to understand</p> <p>13 here.</p> <p>14 A. No problem.</p> <p>15 Q. One of the earlier deals, if you</p> <p>16 look at the page Bates-stamped subpoena</p> <p>17 responses 517, the amount approved here is</p> <p>18 27,550, and then if we go back to the</p> <p>19 approval we were just looking at --</p> <p>20 MR. GOODMAN: 523?</p> <p>21 Q. -- 523, that one is for the amount</p> <p>22 25,550. Could you explain for me why that</p> <p>23 changed?</p> <p>24 A. Okay, so 5/17, you see the same</p> <p>25 price of the car is \$35,000?</p>

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<p style="text-align: right;">Page 181</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Uh-huh.</p> <p>3 A. 523, you can see the selling price</p> <p>4 is \$33,000. So the customer must got a</p> <p>5 discount from the sales manager, if we lower</p> <p>6 the pricing, you can see here in the numbers.</p> <p>7 So that's why now the finance amount is less</p> <p>8 than 517 now. It's \$2,000 less.</p> <p>9 Q. I see. And so when a sales manager</p> <p>10 is going to give a discount like this, is</p> <p>11 that something that you are going to, as the</p> <p>12 finance manager, discuss with a sales manager</p> <p>13 giving a discount?</p> <p>14 A. If the customer have any concerns</p> <p>15 about the pricing, then, he -- they speak to</p> <p>16 the sales manager. And if there's any update</p> <p>17 or changes, they communicate that to me.</p> <p>18 Q. I see. So you -- you explain to a</p> <p>19 customer the best terms you are able to</p> <p>20 receive, in response to the credit</p> <p>21 applications. Consumer's not happy with</p> <p>22 those terms and asks the sales manager about</p> <p>23 a discount, and then the sales manager says</p> <p>24 to you, "okay, we can give that discount,"</p> <p>25 and you plug it into, I think you called, the</p>	<p style="text-align: right;">Page 183</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Is this stipulation about how they</p> <p>3 must receive the contract and have stips</p> <p>4 complete by June 29, 2020, is that the reason</p> <p>5 why there was a resigning on June 29, 2020?</p> <p>6 MR. GOODMAN: Object to</p> <p>7 form; go ahead.</p> <p>8 A. I don't know.</p> <p>9 Q. Okay.</p> <p>10 MR. GOODMAN: Emma, when you</p> <p>11 come to a place you are okay with,</p> <p>12 can we take a break?</p> <p>13 MS. CATERINE: Yes, I will</p> <p>14 keep that in mind. Just let me ask</p> <p>15 a few more questions.</p> <p>16 MR. GOODMAN: Yeah, no</p> <p>17 problem.</p> <p>18 Q. If you could turn to the page</p> <p>19 Bates-stamped subpoena responses 530. Just</p> <p>20 let me know when you have that in front of</p> <p>21 you.</p> <p>22 A. I do.</p> <p>23 Q. Okay. Do you see the decision date</p> <p>24 here of June 29, 2020, 10:30 a.m.?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 182</p> <p>1 Yessica K. Vallejo</p> <p>2 "auto navigator"; is that right?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. And what is the Auto</p> <p>5 Navigator? Is this something that you access</p> <p>6 through Deal Tracker, is it -- how does it</p> <p>7 work?</p> <p>8 A. It's like Dealer Track. It's the</p> <p>9 same thing. It's just you do a deal update,</p> <p>10 you change -- you lower the pricing, just,</p> <p>11 you know, that's going to get you a better</p> <p>12 deal also because you are financing less.</p> <p>13 Q. And still looking at subpoena</p> <p>14 responses 523 --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- one of the stipulations here is,</p> <p>17 "must receive contract and have stips</p> <p>18 complete by June 29, 2020, or app will</p> <p>19 expire." Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Is this what you were talking about</p> <p>22 when we were discussing resigning earlier?</p> <p>23 MR. GOODMAN: Object to the</p> <p>24 form; go ahead.</p> <p>25 A. Can you be more specific?</p>	<p style="text-align: right;">Page 184</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Why was there a denial on June 29,</p> <p>3 2020, as opposed to the other denials we've</p> <p>4 looked at so far, which were on May 30, 2020?</p> <p>5 MR. GOODMAN: Object to</p> <p>6 form; you can answer.</p> <p>7 A. Because it was submitted that day</p> <p>8 to that bank, to that particular lender.</p> <p>9 Q. Okay. So credit applications were</p> <p>10 submitted on June 29th, as well as May 30th,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. And, in general, each of the</p> <p>14 approvals and denials here is going to</p> <p>15 correspond to a credit application, other</p> <p>16 than what you were talking about earlier,</p> <p>17 with adjustments to deals with Capital One;</p> <p>18 is that correct?</p> <p>19 MR. GOODMAN: Objection to</p> <p>20 form of that question.</p> <p>21 A. I don't understand the question.</p> <p>22 Sorry.</p> <p>23 Q. Sure, sure. The only reason why</p> <p>24 there would be conditional approval or a</p> <p>25 decline would be in response to a credit</p>

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<p style="text-align: right;">Page 185</p> <p>1 Yessica K. Vallejo</p> <p>2 application; is that correct?</p> <p>3 A. Correct.</p> <p>4 Q. Okay.</p> <p>5 A. If this application was submitted</p> <p>6 again on 6/29, that means the customer</p> <p>7 authorized us to rework the deal app,</p> <p>8 resubmit to all lenders that we didn't submit</p> <p>9 in the first place.</p> <p>10 Q. Okay.</p> <p>11 A. All the time that application is</p> <p>12 submitted to the lender is because we have</p> <p>13 handwritten credit application signed by the</p> <p>14 customer. So here in the paperwork, see we</p> <p>15 have Dealer Track credit app signed by her on</p> <p>16 26th, which is the same day we resubmit to</p> <p>17 all lender probably to see if we can get --</p> <p>18 if we could get better approval for her.</p> <p>19 Usually this happens when the customer</p> <p>20 actually requests to reword the deal to get a</p> <p>21 better interest rate, better terms or</p> <p>22 whatsoever.</p> <p>23 Q. So there should be an additional</p> <p>24 credit written -- I think you said</p> <p>25 handwritten credit application on the 29th?</p>	<p style="text-align: right;">Page 187</p> <p>1 Yessica K. Vallejo</p> <p>2 the miles changed. So all the time that you</p> <p>3 do update, the system treats this like you</p> <p>4 getting a new approval. But it's the same</p> <p>5 approval. It's just you make a change to the</p> <p>6 application -- even if you change a penny on</p> <p>7 taxes, it will show like this, like it's</p> <p>8 brand-new.</p> <p>9 Q. Okay. And also under the</p> <p>10 stipulations it says, "POI not required based</p> <p>11 on current deal structure." And "POI" stands</p> <p>12 for "proof of income," correct?</p> <p>13 A. That is correct.</p> <p>14 Q. And that was one of the reasons</p> <p>15 that this deal was accepted, was that it</p> <p>16 would not require proof of income, correct?</p> <p>17 MR. GOODMAN: Object to</p> <p>18 form.</p> <p>19 A. Not necessarily.</p> <p>20 Q. Okay, well, I am just trying to</p> <p>21 understand why this would have been the deal</p> <p>22 that would have been entered into, versus,</p> <p>23 say, the deal on the subpoena responses 550,</p> <p>24 which does require proof of income.</p> <p>25 A. If the deal requires proof of</p>
<p style="text-align: right;">Page 186</p> <p>1 Yessica K. Vallejo</p> <p>2 A. No, I say credit -- Dealer Track</p> <p>3 credit application. I see it here. It's</p> <p>4 somewhere here.</p> <p>5 Q. Okay, well, we'll take a look at</p> <p>6 that later. If you could take a look at</p> <p>7 subpoena responses 552, please, toward the</p> <p>8 very end. It's the second-to-last page.</p> <p>9 A. Yes.</p> <p>10 Q. And this is the approval with the</p> <p>11 latest Bates-stamped -- or the excuse me, the</p> <p>12 latest timestamp of June 29, 2020, at 3:31</p> <p>13 p.m.. Is this the deal that was, in fact,</p> <p>14 entered into?</p> <p>15 MR. GOODMAN: Object to</p> <p>16 form; go ahead.</p> <p>17 A. Yes.</p> <p>18 Q. And under the stipulations on this</p> <p>19 page it says, "multiple approvals for this</p> <p>20 applicant, first contract in-house fund."</p> <p>21 What does that mean?</p> <p>22 A. That it was more than one approval</p> <p>23 for her, and whichever first, they getting</p> <p>24 in-house. That's the one they going to fund.</p> <p>25 It could be that the customer change the car,</p>	<p style="text-align: right;">Page 188</p> <p>1 Yessica K. Vallejo</p> <p>2 income or doesn't, it doesn't make a</p> <p>3 difference because the customer stated on her</p> <p>4 credit application that she works and she can</p> <p>5 provide proof of income.</p> <p>6 Q. Well, what if --</p> <p>7 A. I don't know, exactly, what was the</p> <p>8 reason because they came back to resign. I</p> <p>9 can't recall exactly the reason. But they</p> <p>10 came back to resign and we finalize the deal</p> <p>11 that day.</p> <p>12 Q. Sure. So if a consumer, for</p> <p>13 example, really wants to get this deal done</p> <p>14 that day, but they hadn't brought in proof of</p> <p>15 income, so they would have to, you know, go</p> <p>16 back and get it and come back a different</p> <p>17 day, and they are, like, "no, I want to get</p> <p>18 this done," would that be a reason to go with</p> <p>19 the deal that doesn't require proof of</p> <p>20 income?</p> <p>21 MR. GOODMAN: Object to</p> <p>22 form.</p> <p>23 A. It could be the reason.</p> <p>24 Q. Okay. And let's go back to the</p> <p>25 first page of this exhibit, and the timestamp</p>

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<p style="text-align: right;">Page 189</p> <p>1 Yessica K. Vallejo</p> <p>2 here for the approval is May 30, 2020, at</p> <p>3 3:59 p.m. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know why Mr. LaForest's</p> <p>6 credit was shown on the other document that</p> <p>7 we looked at, being run at 4:38 p.m.,</p> <p>8 whereas, a credit application was made for</p> <p>9 Ms. Francois at 4:59 p.m., if they were</p> <p>10 co-applicants?</p> <p>11 MR. GOODMAN: Object to the</p> <p>12 form of the question.</p> <p>13 A. I don't know.</p> <p>14 Q. And if you look at what was</p> <p>15 previously marked as Exhibit 30 --</p> <p>16 MR. GOODMAN: Which one?</p> <p>17 MS. CATHERINE: It's</p> <p>18 Bates-stamped subpoena responses</p> <p>19 513.</p> <p>20 MR. GOODMAN: Okay.</p> <p>21 A. Oh, I have it.</p> <p>22 MR. GOODMAN: It's a single</p> <p>23 page.</p> <p>24 MS. CATHERINE: Yeah, it says</p> <p>25 "red flags results" at the top.</p>	<p style="text-align: right;">Page 191</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Could the reason why it says,</p> <p>3 "phone number not validated" be that the same</p> <p>4 phone number was listed for both Emanuel</p> <p>5 LaForest and Farah Jean Francois on the</p> <p>6 credit application that we looked at?</p> <p>7 MR. GOODMAN: Objection to</p> <p>8 the form.</p> <p>9 Q. And feel free to look at that.</p> <p>10 It's Bates-stamped Defendant's 2.</p> <p>11 A. What credit application?</p> <p>12 Handwritten credit application?</p> <p>13 Q. Yeah, in the deal jacket.</p> <p>14 MR. GOODMAN: Second page of</p> <p>15 the deal jacket.</p> <p>16 THE WITNESS: But this is</p> <p>17 the phone number provided by the</p> <p>18 customer.</p> <p>19 MR. GOODMAN: Okay, just</p> <p>20 answer the question that she's</p> <p>21 asking you.</p> <p>22 THE WITNESS: We go by</p> <p>23 whatever the customer provides.</p> <p>24 Q. If you have a credit application</p> <p>25 and there are two applicants, and they list</p>
<p style="text-align: right;">Page 190</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Yeah.</p> <p>3 A. I am listening.</p> <p>4 Q. And this is what you had referred</p> <p>5 to when you mentioned "red flag results"</p> <p>6 earlier in your deposition, correct?</p> <p>7 MR. GOODMAN: Object to the</p> <p>8 form.</p> <p>9 A. That is correct.</p> <p>10 Q. And the timestamp for this document</p> <p>11 is May 30, 2020, at 4:55 p.m.</p> <p>12 Do you know why this document has</p> <p>13 that timestamp, but the first credit approval</p> <p>14 comes earlier, at 3:59 p.m.?</p> <p>15 MR. GOODMAN: Object to the</p> <p>16 form.</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know why this document says,</p> <p>19 "social security number not validated"?</p> <p>20 A. No.</p> <p>21 Q. Do you know why this document says,</p> <p>22 "phone number not validated"?</p> <p>23 MR. GOODMAN: Object to</p> <p>24 form; go ahead.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 192</p> <p>1 Yessica K. Vallejo</p> <p>2 the same phone number, are you going to ask</p> <p>3 why they listed the same phone number?</p> <p>4 MR. GOODMAN: Object to the</p> <p>5 form.</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 A. Because --</p> <p>9 MR. GOODMAN: No, don't</p> <p>10 "because." "No."</p> <p>11 MS. CATHERINE: All right.</p> <p>12 Do you want to take that break now?</p> <p>13 MR. GOODMAN: That would be</p> <p>14 great now; thank you.</p> <p>15 MS. CATHERINE: Yeah.</p> <p>16 (Whereupon, a recess was</p> <p>17 taken at this time.)</p> <p>18 BY MS. CATHERINE:</p> <p>19 Q. If we can go back to the deal</p> <p>20 jacket, please, and turn to the page</p> <p>21 Bates-stamped Defendant's 12. Let me know</p> <p>22 when you are there.</p> <p>23 A. I am there.</p> <p>24 Q. And what is this?</p> <p>25 A. I don't know.</p>

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1 Yessica K. Vallejo
 2 Q. You have never seen a document like
 3 this one before?
 4 MR. GOODMAN: Object to
 5 form.
 6 A. No.
 7 Q. Okay. Do you know why it's dated
 8 July 15, 2020?
 9 A. No.
 10 Q. Okay, do you see here where it
 11 says, "origination date, June 29, 2020"?
 12 A. Yes, I see it.
 13 Q. I know you said you hadn't seen
 14 this document before, but do you have any
 15 understanding what "origination date" could
 16 refer to?
 17 MR. GOODMAN: Object to
 18 form.
 19 A. No.
 20 Q. Okay.
 21 MR. KESHAVARZ: Exhibit
 22 number is that?
 23 MS. CATHERINE: It's Exhibit
 24 21, and this is Bates-stamped
 25 Defendant's 12.

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1 Yessica K. Vallejo
 2 MR. KESHAVARZ: Thanks.
 3 MS. CATHERINE: Yeah.
 4 Q. And towards the bottom, do you see
 5 the section labeled "commissions"?
 6 A. Yes.
 7 Q. And it lists a commission of
 8 \$317.26 for you, Yessica Vallejo; is that
 9 correct?
 10 A. That is correct.
 11 Q. And it has an ID here for you of
 12 "A31." What is this "A31 ID"?
 13 A. That's my employer ID.
 14 Q. Okay, is that the ID you use, for
 15 example, to login to Deal Tracker?
 16 A. No.
 17 Q. No. What do you use that ID for?
 18 A. I don't use it for anything. Per
 19 se.
 20 Q. It's used by the dealership, just
 21 to identify you; is that correct?
 22 MR. GOODMAN: Object to
 23 form.
 24 A. Probably.
 25 Q. Okay. Have you ever seen that ID

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1 Yessica K. Vallejo
 2 before?
 3 A. Yes.
 4 MR. GOODMAN: Objection.
 5 MS. CATHERINE: Sorry.
 6 Q. And where had you seen the A31 ID
 7 before?
 8 A. On Deal Tracker.
 9 Q. Okay. Where on Deal Tracker had
 10 you seen it?
 11 A. On the DMS.
 12 Q. What does that stand for?
 13 A. The DMS is the platform where we
 14 upload the deals and -- to put all numbers
 15 on, login the customer information, and I got
 16 to put my name as defined as manager. So the
 17 number that we use, instead of name, is A31.
 18 Everybody has a number.
 19 Q. Okay, great. Did you, in fact,
 20 receive a commission of \$317.26 for this
 21 sale?
 22 A. Yes, I did.
 23 Q. Okay. And under you, it lists "ID
 24 999," and the name is "house sales rep."
 25 Who does that refer to?

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1 Yessica K. Vallejo
 2 A. I don't know.
 3 Q. Are you familiar with any Victory
 4 Mitsubishi employee who has ID 999?
 5 A. No. I don't know anybody's ID.
 6 Q. Other than this document, have you
 7 ever seen this ID of 999 before, such as on
 8 Deal Tracker?
 9 A. No.
 10 Q. And if you could turn to
 11 Defendant's 26, please. And what is this
 12 document?
 13 A. It's a sales worksheet.
 14 Q. And there's a timestamp in the
 15 bottom right corner. It's a little hard to
 16 read. But I will represent for the record
 17 that it says, "May 30, 2022, 16:51 p.m."
 18 Do you see that?
 19 A. Yeah.
 20 MR. GOODMAN: You have to
 21 say, "yes."
 22 A. Yes.
 23 Q. And is that automatically generated
 24 when a document is printed?
 25 MR. GOODMAN: Object to

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<p style="text-align: right;">Page 197</p> <p>1 Yessica K. Vallejo</p> <p>2 form.</p> <p>3 A. I don't know.</p> <p>4 Q. Do you ever print, say, sales</p> <p>5 worksheets?</p> <p>6 A. No.</p> <p>7 Q. Who prints the sales worksheets?</p> <p>8 A. Sales manager.</p> <p>9 Q. And based on David Perez being</p> <p>10 listed on the top right-hand corner, is it</p> <p>11 reasonable to assume that Mr. Perez was the</p> <p>12 one who printed this sales worksheet?</p> <p>13 MR. GOODMAN: Object to</p> <p>14 form.</p> <p>15 A. I don't know.</p> <p>16 Q. And do you know why there's a sales</p> <p>17 worksheet for Emanuel LaForest, but not for</p> <p>18 Farah Jean Francois?</p> <p>19 MR. GOODMAN: Objection to</p> <p>20 form.</p> <p>21 A. I don't know.</p> <p>22 Q. And do you review the sales</p> <p>23 worksheet at any point during the sales or</p> <p>24 financing of a vehicle?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 199</p> <p>1 Yessica K. Vallejo</p> <p>2 MR. GOODMAN: Object to the</p> <p>3 form.</p> <p>4 A. I don't know.</p> <p>5 Q. And do you see the timestamp here</p> <p>6 under the date that says, "May 30, 2020, 8:04</p> <p>7 p.m.?"</p> <p>8 A. Yes, I see it.</p> <p>9 Q. And do you have any reason to</p> <p>10 believe that that timestamp is inaccurate?</p> <p>11 A. I don't know.</p> <p>12 Q. And if I recall correctly, the down</p> <p>13 payment is only made once you have decided on</p> <p>14 the terms of the sale; is that correct?</p> <p>15 MR. GOODMAN: Object to</p> <p>16 form.</p> <p>17 A. After the customer says, "yes,"</p> <p>18 then whatever given time they made the down</p> <p>19 payment.</p> <p>20 Q. Let me rephrase the question.</p> <p>21 Does the -- does the down payment</p> <p>22 happen toward the end of the process of the</p> <p>23 sale and financing of the vehicle?</p> <p>24 A. I don't know. It's not a specific</p> <p>25 time for you to make down payment. You have</p>
<p style="text-align: right;">Page 198</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. And, sorry, I know I am having you</p> <p>3 hop around this document, but if you could</p> <p>4 turn back to pages Defendant's 3, please.</p> <p>5 It's the one that says "receipt" in the upper</p> <p>6 right-hand corner.</p> <p>7 MR. GOODMAN: The third page</p> <p>8 of the deal jacket?</p> <p>9 MS. CATERINE: Yeah, the</p> <p>10 third page of the deal jacket.</p> <p>11 Sorry.</p> <p>12 A. Uh-huh, okay.</p> <p>13 Q. What is this document?</p> <p>14 A. This is a receipt.</p> <p>15 Q. A receipt for what?</p> <p>16 A. For down payment.</p> <p>17 Q. And why is this receipt for \$8,600,</p> <p>18 when the down payment was listed as \$9,000?</p> <p>19 MR. GOODMAN: Objection to</p> <p>20 the form.</p> <p>21 A. I don't know.</p> <p>22 Q. And why is the customer listed as</p> <p>23 Emanuel LaForest, when this down payment was</p> <p>24 made for the purchase and financing of a</p> <p>25 vehicle by Farah Jean Francois?</p>	<p style="text-align: right;">Page 200</p> <p>1 Yessica K. Vallejo</p> <p>2 to pay before you leave, that's for sure.</p> <p>3 Q. Sure, sure. So if this down</p> <p>4 payment was made at 8:04 p.m. on May 30th,</p> <p>5 would it be reasonable to assume that</p> <p>6 Mr. LaForest didn't leave with the vehicle</p> <p>7 before 8:04 p.m.?</p> <p>8 MR. GOODMAN: Object to</p> <p>9 form.</p> <p>10 A. I don't know.</p> <p>11 Q. And Stavros Orsaris testified that</p> <p>12 he took the down payment, and that the reason</p> <p>13 why there was this \$400 discrepancy is that</p> <p>14 another employee took the \$400 from Mr.</p> <p>15 LaForest, and forgot to account for it, such</p> <p>16 as by printing a receipt. Does that sound</p> <p>17 accurate?</p> <p>18 MR. GOODMAN: Object to the</p> <p>19 form. Inaccurate</p> <p>20 mischaracterization. Go ahead.</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. And if there was an</p> <p>23 additional \$400 down payment, you would not</p> <p>24 have been the one to take that down payment,</p> <p>25 because I think you testified earlier, that</p>

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<p style="text-align: right;">Page 201</p> <p>1 Yessica K. Vallejo</p> <p>2 it's the sale managers who took the down</p> <p>3 payments; is that correct?</p> <p>4 A. That is correct. I don't take down</p> <p>5 payments.</p> <p>6 Q. Okay.</p> <p>7 MR. GOODMAN: Give me thirty</p> <p>8 seconds. I will be right back.</p> <p>9 Stay on.</p> <p>10 Okay, sorry about that.</p> <p>11 MS. CATHERINE: That's all</p> <p>12 right.</p> <p>13 Q. You could take a look at Exhibit</p> <p>14 23, Bates-stamped Defendant's 85 to 92. It's</p> <p>15 screenshots. And take as long as you need to</p> <p>16 look at these different screenshots, but what</p> <p>17 are these screenshots of?</p> <p>18 A. That's the DMS. It's pictures of</p> <p>19 the DMS screen.</p> <p>20 Q. Okay. And when you open DMS up in</p> <p>21 Dealer Track, on your computer, is this what</p> <p>22 the screen would look like?</p> <p>23 A. When you -- you go into a deal,</p> <p>24 yes.</p> <p>25 Q. And so these screens are going into</p>	<p style="text-align: right;">Page 203</p> <p>1 Yessica K. Vallejo</p> <p>2 applications provided for this account; is</p> <p>3 that correct?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And if you could turn to the</p> <p>6 next page, please, Bates-stamped Defendant's</p> <p>7 85.</p> <p>8 A. Uh-huh, there.</p> <p>9 Q. Why is Emanuel LaForest not listed</p> <p>10 here as a co-buyer?</p> <p>11 MR. GOODMAN: Object to</p> <p>12 form.</p> <p>13 A. He did not purchase a vehicle.</p> <p>14 Farah Francois purchased a vehicle. That's</p> <p>15 why she is the only one listed in here.</p> <p>16 Q. Well, I understand the financing is</p> <p>17 in Ms. Francois' name, but the receipt we</p> <p>18 looked at for the down payment was in Mr.</p> <p>19 LaForest's name. So even when he provides</p> <p>20 the down payment, he is not going to be</p> <p>21 listed as a co-buyer?</p> <p>22 MR. GOODMAN: Object to the</p> <p>23 form.</p> <p>24 A. No, he could have gave his family</p> <p>25 member the money to buy a car.</p>
<p style="text-align: right;">Page 202</p> <p>1 Yessica K. Vallejo</p> <p>2 the deal for Farah screen Francois; is that</p> <p>3 correct?</p> <p>4 A. That's what it says in the</p> <p>5 pictures.</p> <p>6 Q. Sure. And on page Bates-stamped</p> <p>7 Defendant's 86, it's the second of the</p> <p>8 screenshots, do you see where it says, "F and</p> <p>9 I manager," and it says, "A31"?</p> <p>10 A. Yes, I see.</p> <p>11 Q. And that's referring to you,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. And does that indicate that the</p> <p>15 credit applications made for this account</p> <p>16 were made by you?</p> <p>17 A. That explain that I am the finance</p> <p>18 manager in the deal, so I work the deal.</p> <p>19 Q. And so since you work the deal, you</p> <p>20 would have made the credit application; is</p> <p>21 that correct?</p> <p>22 A. I don't make credit applications.</p> <p>23 I submit the credit application that the</p> <p>24 customer provides signed and dated.</p> <p>25 Q. Sure. So you submitted the credit</p>	<p style="text-align: right;">Page 204</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Okay. And do you see here where it</p> <p>3 says, "5/30," and then there are a bunch</p> <p>4 asterisks?</p> <p>5 A. Yes.</p> <p>6 Q. What does that refer to?</p> <p>7 A. That's her date of birth, 5/30.</p> <p>8 Q. So it's referring to her date of</p> <p>9 birth?</p> <p>10 A. Correct.</p> <p>11 Q. Why doesn't it list the year?</p> <p>12 A. We not allowed to see that</p> <p>13 information. The deal is capped so nobody</p> <p>14 can go and look at her information again.</p> <p>15 It's protected.</p> <p>16 Q. I see. So the asterisks are</p> <p>17 redacting the year in her birth date; is that</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And below that it says, "function,</p> <p>21 asterisk," and then there's a little box</p> <p>22 there. What is that?</p> <p>23 A. I don't know.</p> <p>24 Q. Okay. Could you go to the screen</p> <p>25 with the Bates stamp Defendant's 89, please.</p>

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1 Yessica K. Vallejo
 2 MR. GOODMAN: No, it's in...
 3 MR. KESHAVARZ: What's the
 4 exhibit number?
 5 MS. CATERINE: This is
 6 Exhibit 23.
 7 MR. KESHAVARZ: Thank you.
 8 MR. GOODMAN: Let me see.
 9 Yeah, that's the one.
 10 A. Okay.
 11 Q. Who would fill out the fields on
 12 this screen?
 13 A. The finance manager.
 14 Q. And so that would be you, correct,
 15 for this deal?
 16 A. Correct.
 17 Q. And so why did you put "999" for
 18 the "salesperson"?
 19 A. I only put my name on it. I don't
 20 fill out the "salesperson" part.
 21 Q. I see. Who would have filled out
 22 the salesperson part?
 23 A. Sales manager.
 24 Q. Okay. Do any of these screens --
 25 and please take your time looking at all of

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1 Yessica K. Vallejo
 2 them -- do any of these screens show that
 3 anyone of Victory Mitsubishi worked on the
 4 sale and financing of this vehicle, other
 5 than you?
 6 MR. GOODMAN: Object to the
 7 form.
 8 A. (Witness peruses exhibit.)
 9 MR. GOODMAN: Could you,
 10 Ms. Reporter, read back the
 11 question, please.
 12 (Whereupon, the requested
 13 portion was read by the reporter.)
 14 THE WITNESS: No, it doesn't
 15 show. It doesn't show my name
 16 either.
 17 Q. But "A31" refers to you, correct?
 18 A. That's my employer ID number,
 19 correct.
 20 Q. And if you could turn back to the
 21 deal jacket and look at pages Defendant's 19
 22 through 21.
 23 A. Okay.
 24 Q. And what are pages 19 through 21?
 25 A. Credit application.

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1 Yessica K. Vallejo
 2 Q. And why is there no date next to
 3 the signature on the bottom of Defendant's
 4 19?
 5 MR. GOODMAN: Object to
 6 form.
 7 A. I don't know.
 8 Q. And if you could turn to
 9 Defendant's 21, the page with the table
 10 labeled "dealer section."
 11 A. Uh-huh. Okay.
 12 Q. Who would have filled out this
 13 dealer section?
 14 A. Me.
 15 Q. And would you fill this out after
 16 the signatures on page Defendant's 19?
 17 A. No.
 18 Q. You would have filled it out before
 19 it had been signed; is that correct?
 20 A. It's filled out with -- when you
 21 submitting the deal to the bank.
 22 Q. And is that before or after the
 23 signatures on Defendant's 19?
 24 MR. GOODMAN: Object to
 25 form.

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1 Yessica K. Vallejo
 2 A. You submit deal and then customer
 3 signs the credit application from Dealer
 4 Track. The first credit application they
 5 sign is their handwritten credit application,
 6 which you already have the file.
 7 Q. Uh-huh.
 8 A. This is what we submitted to the
 9 bank, which the customer has to sign again.
 10 Q. So if I understand you correctly,
 11 this was submitted to Capital One, and then
 12 it was signed on June 29th; is that correct?
 13 MR. GOODMAN: Object to
 14 form.
 15 A. Yes. She either signed the 29th or
 16 she signed the 30th. But I believe she
 17 signed on the 29th because that was the last
 18 one that we send to the bank.
 19 Q. And is there anything on this page
 20 that indicates that it was signed on June
 21 29th?
 22 MR. GOODMAN: Object to the
 23 form; go ahead.
 24 By "this form," you are
 25 referring to Defendant's 19 and 20?

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<p style="text-align: right;">Page 209</p> <p>1 Yessica K. Vallejo</p> <p>2 MS. CATERINE: You read my</p> <p>3 mind, I was about to clarify,</p> <p>4 anything on Defendant's 19 through</p> <p>5 21.</p> <p>6 MR. GOODMAN: Oh, and 21,</p> <p>7 okay.</p> <p>8 A. You can see on the approval that</p> <p>9 it's from the 29th. So she signed it on the</p> <p>10 29th because that's where all paperwork was</p> <p>11 signed.</p> <p>12 Q. So based on previous documents we</p> <p>13 had looked at that showed an approval date of</p> <p>14 June 29th, you are assuming that this was</p> <p>15 signed on June 29th; is that right?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And going back to</p> <p>18 Defendant's 19, do you know why the salary on</p> <p>19 this application is \$65,000, but the salary</p> <p>20 in the May application is lower?</p> <p>21 MR. GOODMAN: Object to</p> <p>22 form.</p> <p>23 A. That was what the customer stated.</p> <p>24 She probably state that it was a change in</p> <p>25 her salary. She got a salary or whatsoever.</p>	<p style="text-align: right;">Page 211</p> <p>1 Yessica K. Vallejo</p> <p>2 A. That is correct.</p> <p>3 Q. And do lenders provide more</p> <p>4 favorable lending terms if the time at an</p> <p>5 address is longer?</p> <p>6 MR. GOODMAN: Object to</p> <p>7 form.</p> <p>8 A. I don't know. I am not a lender.</p> <p>9 Q. Okay. And there's a work phone</p> <p>10 number here listed for the employer. Did</p> <p>11 anyone at Victory Mitsubishi call this</p> <p>12 number?</p> <p>13 A. We don't verify employment. We are</p> <p>14 not lenders.</p> <p>15 Q. Okay. And an increase in the</p> <p>16 income in a credit application, such as the</p> <p>17 increase here from \$41,000 to \$65,000, could</p> <p>18 result in better terms from the lender; is</p> <p>19 that correct?</p> <p>20 MR. GOODMAN: Object to</p> <p>21 form.</p> <p>22 A. I don't know. I am not a lender.</p> <p>23 Q. Based on your review of the</p> <p>24 documents in Exhibit 29, the various credit</p> <p>25 approvals and denials, are better terms</p>
<p style="text-align: right;">Page 210</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Okay. And when a customer tells</p> <p>3 you that they have received a raise, do you</p> <p>4 ask for any verification of that information,</p> <p>5 such as a pay stub?</p> <p>6 A. If the bank is not asking for pay</p> <p>7 stub, I don't ask for pay stub.</p> <p>8 Q. Okay. And do you know why the time</p> <p>9 at the residence changed on this application</p> <p>10 from the previous application?</p> <p>11 A. The customer says that's the time</p> <p>12 she was living there.</p> <p>13 Q. Do you have any questions about why</p> <p>14 it changed from, I believe, seven years in</p> <p>15 May, to ten years in June?</p> <p>16 A. I didn't have any reason to</p> <p>17 question the customer.</p> <p>18 Q. Why does the credit application ask</p> <p>19 for residence information?</p> <p>20 MR. GOODMAN: Object to</p> <p>21 form.</p> <p>22 A. I don't know. I am not a lender.</p> <p>23 Q. So your credit application is based</p> <p>24 on information that the lenders are</p> <p>25 requesting; is that correct?</p>	<p style="text-align: right;">Page 212</p> <p>1 Yessica K. Vallejo</p> <p>2 offered in the June 29th approvals than in</p> <p>3 the May 30th approvals? And take your time</p> <p>4 to look at them.</p> <p>5 A. I am not a lender to analyze credit</p> <p>6 approvals. That's something that is not -- I</p> <p>7 can't talk on it because I am not a financial</p> <p>8 institution or a lending institution.</p> <p>9 Q. Do you ever advise customers on</p> <p>10 what terms would be better for a deal?</p> <p>11 A. No.</p> <p>12 Q. And so you have no idea if the</p> <p>13 approvals on June 29th would have better</p> <p>14 terms than the approvals on May 30th, from</p> <p>15 Capital One?</p> <p>16 MR. GOODMAN: Object to</p> <p>17 form.</p> <p>18 A. I inform the customer the terms.</p> <p>19 The customer makes their final decision. I</p> <p>20 don't advise customers.</p> <p>21 Q. Why was Mr. LaForest not on the</p> <p>22 June credit application, when he was on the</p> <p>23 May 30th application?</p> <p>24 MR. GOODMAN: Objection; go</p> <p>25 ahead.</p>

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1 Yessica K. Vallejo
 2 A. He was not on the May 30
 3 application. The loan was always done under
 4 Ms. Francois's name. I don't see that.
 5 Where do you see that? I am sorry.
 6 Q. Defendant's 2, in the deal jacket.
 7 A. Oh, you are talking about the
 8 handwritten credit application?
 9 MR. GOODMAN: Correct.
 10 Q. Yes.
 11 A. Yes. Like I said before, the deal
 12 was submitted under Ms. Francois's name only,
 13 as customer request. If the customer request
 14 to do the deal under one particular person,
 15 that's customer discretion. I can't comment
 16 or ask questions about it.
 17 Q. No, I know you testified that you
 18 don't advise consumers as to the terms of
 19 financing. But you testified that different
 20 lenders have different guidelines for
 21 applications; is that correct?
 22 A. Yes, every lender have their own
 23 guidelines.
 24 Q. Do any lenders have guidelines as
 25 to income?

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1 Yessica K. Vallejo
 2 MR. GOODMAN: Objection to
 3 form.
 4 A. I don't understand your question.
 5 Q. Do any -- we're talking about the
 6 guidelines of lenders. Are any of those
 7 guidelines in reference to the income of
 8 applicants?
 9 A. I am not a lender. I cannot answer
 10 you that. I don't know.
 11 Q. You are not -- I thought you were
 12 -- you were familiar with the guidelines that
 13 some lenders require, such as credit scores.
 14 A. Every lender --
 15 MR. GOODMAN: Objection,
 16 objection. That's not even a
 17 question, but go ahead.
 18 A. Every lender have their guidelines.
 19 We submit the application, you get
 20 stipulation. We ask the customer for what
 21 the lender is asking for, but I am not a
 22 lender, so I cannot tell you how the lender
 23 -- what the lender based everything to
 24 approve or deny the customer. I can't tell
 25 you because I am in a financial institution.

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1 Yessica K. Vallejo
 2 I am not lender.
 3 Q. I -- sure, I understand that. But
 4 what I am asking, specifically, is, have you
 5 ever seen guidelines from a lender
 6 referencing the income of an applicant?
 7 A. Yes.
 8 Q. Okay. And those guidelines would
 9 be referencing a minimum income for
 10 applicants; is that correct?
 11 MR. GOODMAN: Objection to
 12 form.
 13 A. No, that's incorrect.
 14 Q. Okay, could you explain to me what
 15 those guidelines would be?
 16 MR. GOODMAN: Objection.
 17 Go ahead.
 18 A. The lender will ask for customer
 19 proof of income, and then we ask the
 20 customer, and then we send it to the lender.
 21 That's it.
 22 Q. Could you turn to Defendant's 33,
 23 please, in the deal jacket. It's titled
 24 "retail certificate of sale receipt," and the
 25 section with the "dealer signature," is that

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1 Yessica K. Vallejo
 2 your signature?
 3 A. Yes.
 4 Q. Okay. If you can turn to
 5 Defendant's 16 in the dealer jacket, please.
 6 A. Uh-huh, okay.
 7 Q. And this is the buyer's order,
 8 correct?
 9 A. Bill of sales.
 10 Q. Bill of sales, excuse me. And your
 11 name is listed on this bill of sales because
 12 you were the finance manager for this
 13 transaction; is that correct?
 14 A. That is correct.
 15 Q. And the sales rep here appears to
 16 be "sales house rep." Who does that appear
 17 to be -- refer to?
 18 A. I don't know.
 19 Q. Who would generate this document?
 20 A. Deal Tracker.
 21 Q. Sure. But who would use Deal
 22 Tracker to generate this document?
 23 A. Me.
 24 Q. So why did you put "house sales
 25 rep"?

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<p style="text-align: right;">Page 217</p> <p>1 Yessica K. Vallejo</p> <p>2 A. I didn't put "house sales rep" in</p> <p>3 there.</p> <p>4 Q. Okay.</p> <p>5 A. I told you before, I don't put the</p> <p>6 salesperson. I only put my name on it.</p> <p>7 Q. Okay. And so who would have put in</p> <p>8 the salesperson?</p> <p>9 A. I don't know. Sales managers.</p> <p>10 Stavros, not me.</p> <p>11 Q. Okay. If David Perez was the sales</p> <p>12 manager for this transaction, why wouldn't he</p> <p>13 be listed as the salesman?</p> <p>14 MR. GOODMAN: Object to</p> <p>15 form.</p> <p>16 A. I don't know.</p> <p>17 Q. If you could turn to Defendant's 4</p> <p>18 through 9 in the deal jacket, please. And</p> <p>19 after you take a look, if you could tell me</p> <p>20 what this document is.</p> <p>21 A. That's a retail installment</p> <p>22 contract.</p> <p>23 Q. And who signed this contract on</p> <p>24 Defendant's 4?</p> <p>25 A. The customer.</p>	<p style="text-align: right;">Page 219</p> <p>1 Yessica K. Vallejo</p> <p>2 person?</p> <p>3 Q. Are these signatures all for the</p> <p>4 same person?</p> <p>5 A. Yes, the customer signed her</p> <p>6 contract.</p> <p>7 Q. And do you know -- do you notice</p> <p>8 how the "F" that begins the signature looks</p> <p>9 different in each version of the signature?</p> <p>10 MR. GOODMAN: Object to the</p> <p>11 form.</p> <p>12 A. No, I am not handwriting expert. I</p> <p>13 wouldn't know.</p> <p>14 Q. Sure. I am not asking you to --</p> <p>15 for your -- for any expert opinion. But in</p> <p>16 your opinion, do the signatures look the same</p> <p>17 or different?</p> <p>18 MR. GOODMAN: That is asking</p> <p>19 her expert opinion. Object to the</p> <p>20 form of the question. You can</p> <p>21 answer.</p> <p>22 A. I am not handwriting expert. I</p> <p>23 wouldn't know. I cannot give you my opinion</p> <p>24 on something that I have no knowledge of.</p> <p>25 Q. You don't have any opinion about</p>
<p style="text-align: right;">Page 218</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. And there are signatures on</p> <p>3 Defendant's 4, Defendant's 5, Defendant's 6,</p> <p>4 Defendant's 7, Defendant's 8, and those are</p> <p>5 all for the same person, correct?</p> <p>6 A. I signed --</p> <p>7 MR. GOODMAN: Object to the</p> <p>8 form. Let me say my objection.</p> <p>9 Go ahead.</p> <p>10 A. I signed the last page as the</p> <p>11 "finance manager." Page number six.</p> <p>12 MR. GOODMAN: Page number</p> <p>13 nine?</p> <p>14 MS. CATHERINE: I think she</p> <p>15 is referring to it being the sixth</p> <p>16 page of the document.</p> <p>17 Q. Is that correct, Ms. Vallejo?</p> <p>18 A. Yeah, that's correct.</p> <p>19 Q. But in the previous pages of the</p> <p>20 document, those signatures are all for the</p> <p>21 same person; is that correct?</p> <p>22 A. I don't understand your question.</p> <p>23 You asking me, what, who signed the contract?</p> <p>24 MR. GOODMAN: Listen to the</p> <p>25 question. Are they the same</p>	<p style="text-align: right;">Page 220</p> <p>1 Yessica K. Vallejo</p> <p>2 whether the signatures look the same or</p> <p>3 different?</p> <p>4 MR. GOODMAN: Objection to</p> <p>5 form. Asked and answered.</p> <p>6 A. No, I do not have any opinion about</p> <p>7 that.</p> <p>8 Q. Okay. And going back to the last</p> <p>9 page Bates-stamped Defendant's 9, I think you</p> <p>10 already said those are your signatures there;</p> <p>11 is that correct?</p> <p>12 A. Not all the signatures on the page.</p> <p>13 Q. Sure, of course.</p> <p>14 A. Only the "dealer" section in the</p> <p>15 bottom.</p> <p>16 Q. And there's -- there's two sets of</p> <p>17 signatures. Trying to think of -- this is</p> <p>18 one of those situations where it would be</p> <p>19 easier if we were in person.</p> <p>20 The signatures next to "title" --</p> <p>21 you see what I am referring to, to the right</p> <p>22 of "title"?</p> <p>23 A. Yeah. That's not a signature.</p> <p>24 That's "F and I."</p> <p>25 Q. I see. And you wrote that as well?</p>

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<p style="text-align: right;">Page 221</p> <p>1 Yessica K. Vallejo</p> <p>2 A. Yeah.</p> <p>3 MR. GOODMAN: Where?</p> <p>4 THE WITNESS: "F and I,"</p> <p>5 "finance and insurance manager."</p> <p>6 MR. GOODMAN: "F and I,"</p> <p>7 okay. Okay.</p> <p>8 Q. I see. And the date there next to</p> <p>9 your signature of 6/29/20, you wrote that,</p> <p>10 correct?</p> <p>11 MR. GOODMAN: Object to</p> <p>12 form.</p> <p>13 A. I believe so, yeah.</p> <p>14 Q. And did you write it in, the date,</p> <p>15 above that also, 6/29/20?</p> <p>16 A. Yeah.</p> <p>17 Q. And why did you write in the date</p> <p>18 next to the signature of Farah Jean Francois?</p> <p>19 A. Because she didn't date it.</p> <p>20 Q. Okay. And if you could take a look</p> <p>21 at what is going to be marked Exhibit 42, and</p> <p>22 this is Bates-stamped Francois 4 through 9.</p> <p>23 MR. GOODMAN: Do you have a</p> <p>24 copy there? You can use this one.</p> <p>25 A. I am listening.</p>	<p style="text-align: right;">Page 223</p> <p>1 Yessica K. Vallejo</p> <p>2 them a copy of the contract like this,</p> <p>3 without any signatures, or would you give</p> <p>4 them a copy with signatures?</p> <p>5 A. Absolutely not. I give them the</p> <p>6 copies with their signature. The contract</p> <p>7 they signed. If they ask me for the contract</p> <p>8 -- and, anyways, every customer, they leave</p> <p>9 with their copies. They -- the day they</p> <p>10 purchase, we prepare folder with every</p> <p>11 document they sign, and we hand them to the</p> <p>12 customer. If they come back asking for</p> <p>13 copies again, we give them same copies they</p> <p>14 signed, of course.</p> <p>15 Q. And this unsigned contract that we</p> <p>16 were looking at was given to Ms. Francois on</p> <p>17 September of 2020. Do you know why she was</p> <p>18 given this version of the contract?</p> <p>19 MR. GOODMAN: Object to the</p> <p>20 form.</p> <p>21 A. I don't know. It wasn't given by</p> <p>22 me. That's for sure.</p> <p>23 Q. And going back to the deal jacket,</p> <p>24 you could turn to page 33, please. Oh, no,</p> <p>25 sorry. We already looked at that one. Never</p>
<p style="text-align: right;">Page 222</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. And what is this document?</p> <p>3 A. It's retail installment contract.</p> <p>4 Q. How is this contract different than</p> <p>5 the one that we just looked at?</p> <p>6 MR. GOODMAN: Object to</p> <p>7 form; go ahead.</p> <p>8 A. The contract, per se, is not</p> <p>9 different. If you compare the numbers, it's</p> <p>10 the same exact numbers.</p> <p>11 Q. Okay, is there anything that's</p> <p>12 different between the two contracts?</p> <p>13 A. This contract is not signed. It's</p> <p>14 review copy that we give every customer to</p> <p>15 review, to sign, before they sign the final</p> <p>16 contract.</p> <p>17 Q. I see. And if you turn to the last</p> <p>18 page, Francois 9, the dates here are typed in</p> <p>19 rather than handwritten. Why is that?</p> <p>20 A. I don't know. Maybe the system</p> <p>21 wasn't printing the date. Sometimes happens.</p> <p>22 Q. Okay. And if a customer came into</p> <p>23 the dealership after the sale and purchase of</p> <p>24 a vehicle, and they said, "I want a copy of</p> <p>25 the contract that I signed," would you give</p>	<p style="text-align: right;">Page 224</p> <p>1 Yessica K. Vallejo</p> <p>2 mind.</p> <p>3 Defendant's 29 through 30, excuse</p> <p>4 me.</p> <p>5 A. I am listening.</p> <p>6 Q. What are the documents on</p> <p>7 Defendant's 29 and 30?</p> <p>8 A. Vehicle registration, title,</p> <p>9 application form.</p> <p>10 Q. And the signature on Defendant's 29</p> <p>11 under "New York dealers only," is that your</p> <p>12 signature?</p> <p>13 A. Yeah.</p> <p>14 Q. And in Section 1 of this document</p> <p>15 where it says, "information, like name of</p> <p>16 primary registrant," would you have filled</p> <p>17 out this information before it was printed?</p> <p>18 A. This is the information that we put</p> <p>19 in the system, what we loading the deal. So</p> <p>20 this information is used to print every</p> <p>21 specific document. Everything is going to</p> <p>22 populate from the same information.</p> <p>23 Q. Okay. So you put the information</p> <p>24 into Deal Tracker, and then you press a</p> <p>25 button that says, you know, "print vehicle</p>

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1 Yessica K. Vallejo
 2 registration"? Is it something like that?
 3 MR. GOODMAN: Object to
 4 form.
 5 A. Yeah. Yes.
 6 Q. Okay. And if you could turn to
 7 Defendant's 13, please. And what is this
 8 document?
 9 A. Service contract.
 10 Q. And who would fill out the service
 11 contract?
 12 A. Me.
 13 Q. And is that your signature at the
 14 bottom above "seller's representative
 15 signature"?
 16 A. Yes.
 17 Q. And at the top there's handwritten
 18 "3385, slash, 1757." Was that written by
 19 you?
 20 A. No.
 21 Q. Who wrote that?
 22 A. I don't know.
 23 Q. Okay. And 3385 is the stock
 24 number, correct?
 25 A. Correct.

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1 Yessica K. Vallejo
 2 Q. And what is "1757"?
 3 A. I don't know.
 4 Q. Okay. And is this a document like
 5 what you were talking about earlier, where
 6 you would just generate it using Deal
 7 Tracker, or would you fill in each of the
 8 individual fields for this document?
 9 A. Yes.
 10 MR. GOODMAN: Which one?
 11 THE WITNESS: What?
 12 MR. GOODMAN: Does it fill
 13 in -- does it populate
 14 automatically, or do you fill it in
 15 yourself?
 16 THE WITNESS: It populates
 17 automatically from the information
 18 that's on Deal Tracker.
 19 Q. Okay. If that's the case, why is
 20 the e-mail address different here than from
 21 the other documents?
 22 A. That e-mail was provided by the
 23 customer. Not everything is populated from
 24 Dealer Track. Some information, it is. Some
 25 is not. So we have to type it sometimes. If

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1 Yessica K. Vallejo
 2 that e-mail is there, it's because it was
 3 provided by her because the other e-mail we
 4 have is her brother's or family member
 5 e-mail.
 6 Q. And did anyone at Victory
 7 Mitsubishi attempt to e-mail this Farah
 8 Francois e-mail address?
 9 MR. GOODMAN: Objection to
 10 form.
 11 A. I don't know.
 12 Q. Did the service contract for this
 13 vehicle actually get purchased?
 14 A. I don't understand your question.
 15 Q. Sure. So I see this is a service
 16 contract application page, I guess.
 17 My question is whether this
 18 application was approved, or accepted, or
 19 whatever the term may be?
 20 A. I believe it was.
 21 Q. And would there be a document
 22 showing whether it was accepted?
 23 A. This will be the only document.
 24 Q. Okay. If you want to take a break
 25 at any point, just let me know.

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1 Yessica K. Vallejo
 2 A. No, no breaks.
 3 Q. When a deal is unwound, the amount
 4 of the vehicle service contract would be
 5 refunded, correct?
 6 MR. GOODMAN: Object to
 7 form.
 8 A. That is correct.
 9 Q. And do you know if the amount for
 10 this vehicle service contract was refunded?
 11 MR. GOODMAN: Object to
 12 form.
 13 A. I wouldn't know.
 14 Q. And if it was refunded, that
 15 payment would be made to Farah Jean Francois,
 16 correct?
 17 MR. GOODMAN: Object to
 18 form.
 19 A. No.
 20 Q. Who would that payment get made to?
 21 A. To the lending institution that
 22 lend the money to purchase the service
 23 contract.
 24 Q. So in this case, that would be
 25 Capital One?

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<p style="text-align: right;">Page 229</p> <p>1 Yessica K. Vallejo</p> <p>2 A. That is correct.</p> <p>3 Q. And could you take a look at the</p> <p>4 document previously marked Exhibit 32, a</p> <p>5 single page Bates-stamped subpoena responses</p> <p>6 326, COAF, Francois 132.</p> <p>7 A. Defendant 32?</p> <p>8 Q. No, sorry, subpoena responses 326,</p> <p>9 and it's a single page.</p> <p>10 MR. GOODMAN: Okay, let's</p> <p>11 see. Here it is.</p> <p>12 MS. CATHERINE: At the top it</p> <p>13 says, "Titan account numbers."</p> <p>14 A. Okay.</p> <p>15 Q. And prior to your preparation for</p> <p>16 this deposition today, have you ever seen</p> <p>17 this document?</p> <p>18 MR. GOODMAN: Object to</p> <p>19 form.</p> <p>20 A. No.</p> <p>21 Q. And could you take a second to read</p> <p>22 the "narrative" section to yourself and let</p> <p>23 me know when you are finished.</p> <p>24 A. Okay.</p> <p>25 Q. Were you aware, prior to your</p>	<p style="text-align: right;">Page 231</p> <p>1 Yessica K. Vallejo</p> <p>2 Q. Do you know if Capital One has</p> <p>3 asked Victory Mitsubishi about unwinding the</p> <p>4 deal in this case?</p> <p>5 A. I don't know.</p> <p>6 Q. And if you could take a look at</p> <p>7 what was previously marked Exhibit 33,</p> <p>8 Bates-stamped subpoena responses 485 to 489.</p> <p>9 MR. GOODMAN: Right here.</p> <p>10 MS. CATHERINE: It's the</p> <p>11 spreadsheet.</p> <p>12 A. Okay.</p> <p>13 Q. And prior to preparation for your</p> <p>14 deposition today, have you ever seen a</p> <p>15 document the same or similar to this</p> <p>16 spreadsheet listing complaints against the</p> <p>17 Victory Mitsubishi dealership?</p> <p>18 MR. GOODMAN: Object to the</p> <p>19 form of that question.</p> <p>20 A. No.</p> <p>21 Q. And if you could turn to the page</p> <p>22 Bates-stamped subpoena responses 488.</p> <p>23 A. Okay.</p> <p>24 Q. And three entries from the bottom</p> <p>25 there's a complaint which begins, "customer</p>
<p style="text-align: right;">Page 230</p> <p>1 Yessica K. Vallejo</p> <p>2 preparation for this deposition today, that</p> <p>3 Capital One had investigated identity theft</p> <p>4 in relation to this transaction?</p> <p>5 MR. GOODMAN: Object to the</p> <p>6 form. Assumes things.</p> <p>7 A. No.</p> <p>8 Q. And do you see where it lists the</p> <p>9 suspect's date of birth as February 18, 1982?</p> <p>10 A. I can see that, yes.</p> <p>11 Q. And do you know anyone with the</p> <p>12 date of birth February 18, 1982?</p> <p>13 A. No.</p> <p>14 Q. Okay. Did you speak with any of</p> <p>15 the law enforcement officers listed under the</p> <p>16 "law enforcement" section on this page;</p> <p>17 specifically, Officer Adam Simmons or Officer</p> <p>18 Jack Murray?</p> <p>19 A. No.</p> <p>20 Q. And at the end of the narrative</p> <p>21 section, it says, "Capital One Auto Finance</p> <p>22 has begun efforts to recover the funds on the</p> <p>23 loan." What is that referring to?</p> <p>24 A. I don't know. You will have to ask</p> <p>25 the person that wrote the narrative.</p>	<p style="text-align: right;">Page 232</p> <p>1 Yessica K. Vallejo</p> <p>2 daughter is upset that" -- you see that?</p> <p>3 A. I see that.</p> <p>4 Q. And are you familiar with any</p> <p>5 complaint made to Victory Mitsubishi about a</p> <p>6 vehicle being put in the name of a customer's</p> <p>7 mother rather than their name?</p> <p>8 MR. GOODMAN: Object to the</p> <p>9 form; go ahead.</p> <p>10 A. No.</p> <p>11 Q. And looking at the other complaints</p> <p>12 listed here, are you familiar with any of</p> <p>13 these complaints, based on the descriptions</p> <p>14 provided?</p> <p>15 A. No.</p> <p>16 Q. And are you aware of Mitsubishi</p> <p>17 Motors ever contacting Victory Mitsubishi</p> <p>18 about a customer complaint?</p> <p>19 MR. GOODMAN: Object to</p> <p>20 form.</p> <p>21 A. No. I don't handle complaints.</p> <p>22 Q. You know how Chris Orsaris and</p> <p>23 Stavros Orsaris are related?</p> <p>24 A. Chris Orsaris is Stavros Orsaris</p> <p>25 father.</p>

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 FARAH JEAN FRANCOIS V. VICTORY AUTO GROUP LLC

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 233-236

Page 233

1 Yessica K. Vallejo
 2 Q. And are there any other employees
 3 of Victory Mitsubishi who are father and son?
 4 A. Yes.
 5 Q. Who else?
 6 A. Stavros has a brother that works
 7 there.
 8 Q. And what's that brother's name?
 9 A. Chris Orsaris, Junior.
 10 Q. And what does he do at Victory
 11 Mitsubishi?
 12 A. Sales manager.
 13 Q. And how long has he been a sales
 14 manager?
 15 A. Maybe a year.
 16 Q. And about how tall is he?
 17 A. I don't know.
 18 Q. Is he taller than six feet tall?
 19 A. I don't know.
 20 Q. When things are mailed to the
 21 Victory Mitsubishi dealership, who receives
 22 the mail?
 23 MR. GOODMAN: "Things"?
 24 Object to form.
 25 A. I don't know. I don't receive any

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1 Yessica K. Vallejo
 2 mail myself.
 3 Q. Okay. When did you learn about the
 4 allegations made in this lawsuit?
 5 A. A couple of months ago. Maybe two,
 6 three months ago. A month ago. I don't
 7 recall.
 8 Q. Okay. And after learning of the
 9 allegations in this lawsuit, what steps did
 10 you take to determine if the allegations were
 11 true?
 12 MR. GOODMAN: Object to the
 13 form.
 14 A. I went back to the deal jacket, I
 15 look at the forms, that everything was
 16 signed, and everything was in order. I can't
 17 tell you for a fact that when they went there
 18 to purchase a vehicle she was there or
 19 somebody acting like her or try to imperson
 20 her, but since the customer is suing the
 21 dealership, I am assuming it's going to be an
 22 investigation done. That's why we sitting
 23 here right now. And we are going to get to
 24 bottom of what happened, and, I mean,
 25 ultimately, the truth of what actually

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1 Yessica K. Vallejo
 2 happened.
 3 MR. GOODMAN: Just answer
 4 the question that's asked, okay?
 5 THE WITNESS: I will.
 6 Q. Have you, at any time, tried to
 7 contact Ms. Francois?
 8 A. No.
 9 Q. Did you do anything wrong in how
 10 you processed the sale and financing of the
 11 vehicle to Ms. Francois?
 12 MR. GOODMAN: Objection to
 13 the form. Please go ahead.
 14 A. No, I did not.
 15 Q. And that's based on your -- the
 16 review of the deal jacket that you had just
 17 mentioned?
 18 MR. GOODMAN: Object to
 19 form.
 20 A. No.
 21 Q. What is it based on?
 22 A. On our procedure and our policies,
 23 how we treat every sale. That's what it'd
 24 based on.
 25 Q. Okay. Do you think anyone at the

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1 Yessica K. Vallejo
 2 Victory Mitsubishi dealership did anything
 3 wrong, in regards of the sale and financing
 4 of the vehicle in the name of Farah Jean
 5 Francois?
 6 MR. GOODMAN: Objection to
 7 the form.
 8 A. No.
 9 Q. Okay.
 10 MS. CATHERINE: Let's take a
 11 five-minute break and, hopefully,
 12 we can wrap it up soon.
 13 MR. GOODMAN: Okay, so we've
 14 now hit seven hours. We had maybe
 15 forty-five minutes of breaks. So
 16 that's it. That's the time that
 17 we're talking about, 6:47.
 18 MS. CATHERINE: I understand.
 19 I have been keeping track of the
 20 time.
 21 MR. GOODMAN: Excellent. We
 22 will take five minutes.
 23 (Whereupon, a recess was
 24 taken at this time.)
 25 BY MS. CATHERINE:

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 FARAH JEAN FRANCOIS V. VICTORY AUTO GROUP LLC

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 237-240

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1 Yessica K. Vallejo
 2 Q. Ms. Vallejo, I believe you had
 3 talked about there being CARFAX reports in
 4 deal jackets at Victory Mitsubishi; is that
 5 right?
 6 A. Yes. If the customer request a
 7 CARFAX, we print it and give it to them.
 8 MR. GOODMAN: Can I have
 9 that pen?
 10 Q. Why is there no CARFAX report in
 11 the deal jacket in this case?
 12 A. Customer didn't request one.
 13 Q. Do you know any men who work at the
 14 Victory Mitsubishi dealership who are 6'2" or
 15 taller?
 16 MR. GOODMAN: Object to
 17 form.
 18 A. It's a lot of men working in there.
 19 I mean, that's not sufficient to describe a
 20 person. It's just -- I don't even know what
 21 to answer.
 22 Q. Well, let's just start with, do you
 23 know any men who work at the dealership who
 24 are 6'2" or taller? "Yes" or "no"?
 25 A. I don't know. I don't know their

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1 Yessica K. Vallejo
 2 height.
 3 Q. Could you -- you mentioned Stavros
 4 Orsaris' brother. Could you spell his name
 5 for us, please?
 6 A. I don't know how to spell his name.
 7 I just know his name Chris.
 8 Q. Chris?
 9 MR. GOODMAN: Chris.
 10 Q. His name is also Chris?
 11 MR. GOODMAN: Answer.
 12 A. Yes.
 13 Q. Okay. Sorry, I am just trying to
 14 -- and does anyone else related to Stavros
 15 Orsaris work at the dealership?
 16 A. I don't know. That's the only
 17 person I know.
 18 Q. Okay.
 19 MR. KESHAVARZ: Sorry, so
 20 there's a father and brother named
 21 Chris?
 22 MR. GOODMAN: Objection.
 23 One attorney, please. Only --
 24 MR. KESHAVARZ: I was just
 25 trying to figure it out. Sounds

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1 Yessica K. Vallejo
 2 like there's a brother and father
 3 both named Chris Orsaris; is that
 4 right?
 5 MR. GOODMAN: There's no --
 6 we're not taking questions from two
 7 attorneys.
 8 Q. So how much did you make working at
 9 Victory Mitsubishi in 2021?
 10 MR. GOODMAN: Objection.
 11 Now we've crossed the line into
 12 annoyance, embarrassment, and
 13 prejudice, and I will direct the
 14 witness not to answer that.
 15 THE WITNESS: Why is that
 16 relevant?
 17 MR. GOODMAN: Don't ask any
 18 questions. Just answer if I tell
 19 you to.
 20 MS. CATHERINE: Can I ask why
 21 you think it goes into that realm?
 22 MR. GOODMAN: It's her
 23 personal information.
 24 MS. CATHERINE: What's
 25 personal about it?

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1 Yessica K. Vallejo
 2 MR. GOODMAN: Her income.
 3 MS. CATHERINE: Is income
 4 protected under any law or
 5 regulation or --
 6 MR. GOODMAN: I am not here
 7 to give answers to legal questions.
 8 If you want to mark it for a
 9 ruling, if you want to take it up
 10 with the Court, let's do so.
 11 MS. CATHERINE: Let's mark it
 12 for the ruling. It's after hours,
 13 so we can't take it up with the
 14 Court, but please mark that for a
 15 ruling, Court Reporter.
 16 Q. And so to clarify, Stavros Orsaris
 17 has both a brother and father named Chris
 18 Orsaris, correct?
 19 MR. GOODMAN: Object to
 20 form.
 21 Go ahead.
 22 A. Once again, Stavros has a brother,
 23 his name is Chris Orsaris, Junior. He works
 24 there too.
 25 Q. Okay. Great.

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 FARAH JEAN FRANCOIS V. VICTORY AUTO GROUP LLC

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1 Yessica K. Vallejo
 2 That's all the questions I have.
 3 MR. GOODMAN: Okay,
 4 good-bye.
 5 Q. Thank you, Ms. Vallejo.
 6 A. No problem.
 7 -oOo-
 8 (Whereupon, the examination
 9 of YESSICA K. VALLEJO was adjourned
 10 at 6:15 p.m.)
 11
 12
 13
 14 YESSICA K. VALLEJO
 15
 16
 17 Subscribed and sworn to
 18 before me this day
 19 of , 2022.
 20
 21
 22 NOTARY PUBLIC
 23
 24
 25

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1
 2 ----- I N D E X -----
 3
 4 WITNESS EXAMINATION BY PAGE
 5 YESSICA K. VALLEJO
 6 MS. CATHERINE 6
 7
 8 ----- EXHIBITS -----
 9 DEFENDANT'S FOR ID.
 10 EXHIBIT 40 Subscriber App. premarked
 11 EXHIBIT 41 Victory Agreement premarked
 12 EXHIBIT 42 Unsigned Sales premarked
 13 Contract
 14
 15 (Exhibits retained by reporter.)
 16
 17
 18
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 21
 22
 23
 24
 25

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1
 2 C E R T I F I C A T E
 3 STATE OF NEW YORK)
 4 : ss.
 5
 6 COUNTY OF NEW YORK)
 7
 8 I, AYDIL M. TORRES, a Notary Public
 9 within and for the State of New York, do
 10 hereby certify:
 11 That YESSICA K. VALLEJO, the witness
 12 whose deposition is hereinbefore set forth,
 13 was duly sworn by me and that such deposition
 14 is a true record of the testimony given by
 15 the witness.
 16 I further certify that I am not
 17 related to any of the parties to this action
 18 by blood or marriage, and that I am in no way
 19 interested in the outcome of this matter.
 20 IN WITNESS WHEREOF, I have hereunto
 21 set my hand this 30th day of November, 2022.
 22
 23 *Aydil M. Torres*
 24 AYDIL M. TORRES
 25

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1
 2 DEPOSITION ERRATA SHEET
 3
 4 Our Assignment No. J8894063
 5 Case Caption: FARAH JEAN FRANCOIS vs.
 6 VICTORY AUTO GROUP LLC, ET AL.
 7
 8 DECLARATION UNDER PENALTY OF PERJURY
 9 I declare under penalty of perjury
 10 That I have read the entire transcript of
 11 My Deposition taken in the captioned matter
 12 Or the same has been read to me, and
 13 The same is true and accurate, save and
 14 Except for changes and/or corrections, if
 15 Any, as indicated by me on the DEPOSITION
 16 ERRATA SHEET hereof, with the understanding
 17 That I offer these changes as if still under
 18 Oath.
 19
 20 YESSICA K. VALLEJO
 21 Subscribed and sworn to on the ____ day of
 22 _____, 20____ before me,
 23
 24 Notary Public,
 25 In and for the State of _____

YESSICA K. VALLEJO
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1
 2 DEPOSITION ERRATA SHEET
 3 Page No. _____ Line No. _____ Change
 4 to: _____
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 6 Reason for
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 8 Page No. _____ Line No. _____ Change
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 11 Reason for
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 16 Reason for
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 18 Page No. _____ Line No. _____ Change
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 21 Reason for
 22 change: _____
 23 SIGNATURE: _____ DATE: _____
 24 YESSICA K. VALLEJO
 25

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 2 DEPOSITION ERRATA SHEET
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 8 Page No. _____ Line No. _____ Change
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 15 _____
 16 Reason for
 17 change: _____
 18 Page No. _____ Line No. _____ Change
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 21 Reason for
 22 change: _____
 23 SIGNATURE: _____ DATE: _____
 24 YESSICA K. VALLEJO
 25